

TWENTY-NINTH DAY

Thursday, March 11, 2010

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

The invocation was delivered in song by Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Souki and Takai, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth Days were approved. (Representatives Bertram, Souki and Takai were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 203 and 204) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 203, dated March 1, 2010, transmitting the report, Department of Labor and Industrial Relations' Compacts of Free Association and Employment Core Services for Low-Income Persons for fiscal year ending June 30, 2009, as required by HB 2500, Pt. 3, Sect. 15.2, Act 158 (2008).

Gov. Msg. No. 204, dated March 1, 2010, transmitting the report, Department of Labor and Industrial Relations' Office of Language Access for fiscal year ending June 30, 2009, as required by Act 290.

INTRODUCTIONS

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

Representative Thielen, on behalf of Representative C. Lee and herself, introduced her shadow today, Jesse Moonier, 5th grade student at Le Jardin Academy. He was accompanied by legislative staff, Ms. Franziska Roessy.

Representative Yamane introduced Senator David Ige.

Representative Brower, on behalf of the Committee on Human Services, introduced members of the healthcare community.

'Ohana Health Plan:

Dr. James Tan, Director;
Mr. Dexter Mar, Director of Pharmacy;
Mr. Greg Kono, Director of Regulatory Affairs and Compliance;
Ms. Anne Chipchase, Community Outreach Specialist; and
Mr. Curtis Yee.

Lupus Hawaii:

Ms. Cheryl Ann Jon, President;
Mr. Mike Yoshino, Board of Directors;
Mr. Alike Malabey, Director of Operations; and
Mr. Justin Cruz, Board of Directors.

Organ Donor Center of Hawaii:

Mr. Tony Sagayadoro.

Representative Har introduced family and friends of the members of Kalapana.

Mr. Carl and Ms. Jeanette Hadley, cousins of Mr. Malani Bilyeu; and

Mrs. Terry Holomaliala, wife of Mr. Gaylord Holomaliala.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
136	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
137	Committee on Energy & Environmental Protection, then to the Committee on Finance
140	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce
141	Committee on Health, then to the Committee on Consumer Protection & Commerce
142	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
143	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
144	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs
145	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
146	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
147	Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education
148	Committee on Human Services, then to the Committee on Finance
149	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
150	Committee on Health, then to the Committee on Finance
151	Committee on Hawaiian Affairs, then to the Committee on Finance
152	Committee on Energy & Environmental Protection, then to the Committee on Finance
153	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
154	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health
155	Jointly to the Committee on Transportation and the Committee on Judiciary
156	Jointly to the Committee on Transportation and the Committee on Judiciary

- 157 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
- 158 Committee on Transportation, then to the Committee on Finance
- 159 Committee on Energy & Environmental Protection
- 160 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary
- 161 Committee on Transportation, then to the Committee on Finance
- 162 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs

H.C.R.
Nos. **Referred to:**

- 207 Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
- 208 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 209 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce
- 210 Committee on Health, then to the Committee on Judiciary
- 211 Committee on Health, then to the Committee on Consumer Protection & Commerce
- 212 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
- 213 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
- 214 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs
- 215 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing
- 216 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
- 217 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
- 218 Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education
- 219 Committee on Human Services, then to the Committee on Finance
- 220 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
- 221 Committee on Health, then to the Committee on Finance
- 222 Committee on Education, then to the Committee on Finance

- 223 Committee on Public Safety, then to the Committee on Finance
- 224 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
- 225 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health
- 226 Jointly to the Committee on Transportation and the Committee on Judiciary
- 227 Jointly to the Committee on Transportation and the Committee on Judiciary
- 228 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
- 229 Committee on Transportation, then to the Committee on Finance
- 230 Committee on Energy & Environmental Protection
- 231 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary
- 232 Committee on Transportation, then to the Committee on Finance

S.C.R.
No. **Referred to:**

- 79, SD1 Committee on Human Services, then to the Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 255) was announced by the Clerk and the following action taken:

H.R. No. 255, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE KAIMUKI HIGH SCHOOL BULLDOGS VARSITY GIRLS' BASKETBALL TEAM ON ITS 2010 HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION DIVISION II STATE CHAMPIONSHIP," was jointly offered by Representatives Nishimoto, Brower, Marumoto, Saiki and Say.

Representative Nishimoto moved that H.R. No. 255 be adopted, seconded by Representative Saiki.

Representative Nishimoto commended the Kaimuki High School Bulldogs Varsity Basketball team for working together as a team to win the 2010 Hawaii High School Athletic Association Division II State Championship.

Representative Marumoto also congratulated the Kaimuki Basketball team and introduced the seniors who were seated on the Floor of the House:

- Ms. Nicole Chipen-Ii;
- Ms. Mikki Morihara;
- Ms. Tanya Villanueva;
- Ms. Puanani Akaka; and
- Ms. Vaioleti Mikaele.

Representative Marumoto then introduced other team members and supporters seated in the gallery:

Mr. Fred Lee, Kaimuki High School Athletic Director;
 Ms. Mona Fa'asoa, Head Coach;
 Mr. Bronson Omura, Mr. Jerome Pacarro and Mr. Elia Akau, Assistant Coaches;
 Ms. Wendy Villanueva, Team Mom; and
 Team Members – Ms. Dejah Fa'asoa, Ms. Letishah Fa'asoa, Ms. Keana Paez, Ms. Canny Aikau, Ms. Alison Pologa, and Ms. Vailele Fa'asoa.

The motion was put to vote by the Chair and carried, and H.R. No. 255 was adopted, with Representatives Takai and Takumi being excused.

The following resolution (H.R. No. 256) was announced by the Clerk and the following action taken:

H.R. No. 256, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE NATIONAL KIDNEY FOUNDATION, ORGAN DONOR CENTER OF HAWAII, FRESINIUS MEDICAL SERVICES, LIBERTY DIALYSIS, CLINICAL LABORATORIES OF HAWAII, AND OHANA HEALTH CARE FOR RAISING AWARENESS ABOUT ORGAN DONATION AND KIDNEY DISEASE," was jointly offered by Representatives Mizuno, Brower, Manahan, McKelvey, Wakai and Yamane.

Representative Mizuno moved that H.R. No. 256 be adopted, seconded by Representative Wakai.

Representative Mizuno commended the honorees and their organizations for their work in raising community awareness about chronic kidney disease, as well as life-saving prevention, screening, patient support and organ donation.

Representative Mizuno then introduced the following honorees seated on the Floor of the House:

Ms. Jane Gibbons, Executive Director of Liberty Dialysis;
 Ms. Jane Idica of Fresenius Medical Services;
 Ms. Katharine 'Casey' Kickertz, Chief Executive Officer of the Organ Donor Center of Hawaii;
 Representative Wakai continued, introducing:
 Mr. Erhardt Preitauer of Ohana Health Plan; and
 Mr. Glen Hayashida, Chief Executive Officer of the National Kidney Foundation of Hawaii.

Representative Saiki requested that the front-page article of today's *Honolulu Star-Bulletin* be included in the Journal which explains the enduring impact of kidney transplants in Hawaii.

Representative Ching also commended the honorees and the work of their organizations in supporting the many patients requiring dialysis and other medical care.

The motion was put to vote by the Chair and carried, and H.R. No. 256 was adopted, with Representatives Takai and Takumi being excused.

The following resolution (H.R. No. 257) was announced by the Clerk and the following action taken:

H.R. No. 257, entitled: "HOUSE RESOLUTION COMMEMORATING THE 35TH ANNIVERSARY OF KALAPANA AND HONORING THEIR CONTRIBUTIONS TO CONTEMPORARY HAWAIIAN MUSIC," was offered by Representative Tokioka.

Representative Tokioka moved that H.R. No. 257 be adopted, seconded by Representative Carroll.

Representative Carroll reminisced about and honored the memory of the late Bryant Macky Feary, guitar player, singer/song writer, and one of the founding members of Kalapana.

Representative Carroll then introduced Mr. Gaylord Holomalua, keyboard player, recording engineer and producer.

Representative Manahan introduced his friend, Mr. David John, 'DJ' Pratt, guitar player, singer/song writer, and one of the founding members of Kalapana.

Representative Tokioka then introduced his friend and Kauai resident, Mr. Carl James Malani Bilyeu, guitar player, singer/song writer, and one of the founding members of Kalapana.

Representative Tokioka also introduced Mr. Randy Aloya, bass guitar; and Mr. Todd Yukimoto, saxophone, who were also seated on the Floor of the House.

Representative Tokioka commended the band for being musical ambassadors of Hawaii, achieving global 'rock star' status, thanked them for 35 years of musical enjoyment, and then welcomed and presented to the Body, Kalapana.

Kalapana performed for the Members of the House and audience, singing *Many Classic Moments, Naturally*, and as an encore, *(For You, I'd Chase a) Rainbow*.

The motion was put to vote by the Chair and carried, and H.R. No. 257 was adopted, with Representative Takumi being excused.

LATE INTRODUCTIONS

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

At this time, the Chair recognized Senator Donna Kim, Senator David Ige, and Senator Michelle Kidani who had joined the Members of the House for today's Floor presentations.

At 12:55 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:09 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Takumi and Tokioka were excused.)

UNFINISHED BUSINESS

S.B. No. 1059, SD 2, HD 3:

Representative B. Oshiro moved that S.B. No. 1059, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

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

"Thank you. Mr. Speaker, I will vote for this measure, but I would like to express some reservations on it. If this measure passes, counties will then be able to enact stricter ordinances than State law regarding fireworks. Theoretically, one or more, or maybe all the counties will enact a statewide ban, but I doubt it. But I am voting for this amended bill, even though it is a pale imitation of a total ban.

"I was planning to vote no on the original bill that called for a task force because it would not result in any diminution of imports of illegal

fireworks for at least a year. There would be no immediate relief from aerials and concussion bombs for a long time, maybe never. So if House Draft 3 passes, please see your local county councilperson about an immediate ban.

"In discussing this measure with several legislators, the problem does appear to be out of control on Oahu, but not so much on the Neighbor Islands. So unless we enact a ban on this island, we will continue to see our citizens blowing up their money, asthmatics flocking to hospital emergency rooms, children injuring themselves with fireworks, fire fighters putting out house and brushfires, police unable to cite people, frantic pets running away, and a few families losing loved ones.

"As for the task force portion of the bill, we may learn a lot, but I can see the recommendations languishing on a legislative shelf somewhere, gathering dust. Let's hope that the recommendations will eventually point the way to stemming the importation of illegal fireworks to Hawaii. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I'd like to speak in support of the amended measure. If you would please forgive me because the other day when we had a 12-hour session, I didn't really say much. Thank you.

"Mr. Speaker, I stand in support of SB 1059, SD2, HD3, but I'd like to express my many concerns about the misuse of fireworks and why we must proceed with fireworks control.

"Mr. Speaker, the coming of the New Year should be a joyous occasion; however, for many in Hawaii, it is a time of trepidation and fear.

"Although this bill is not perfect, I am happy to see it go forward, because I'd be embarrassed if we would go through the Session without any action on fireworks. For me, a statewide ban is really the answer to our problems, but I'm going to vote in favor of this measure.

"Many of Hawaii's people have made it clear that they desire stricter enforcement of fireworks laws because the proliferation of fireworks in recent years has resulted in a degeneration of the New Year celebration, and public safety issues so severe that people are afraid to leave their homes. Fireworks have also put police and EMS personnel at risk for injury and takes them away from crime fighting and assisting the ill and injured during the holiday.

"I have received multiple complaints from constituents for more than a month before and after the holiday. Fireworks are being used in a manner that's disrespectful to communities and neighborhoods, with no regard to the severe health effects being experienced by children and seniors in particular. Some have said, 'No worry. It is only one night,' but the negative effects of fireworks hardly end when the festivities are over.

"Fireworks are composed of toxic chemicals that pollute our air, contaminate our drinking water, and leave residue in our watershed, harming plants and animals. Fireworks produce smoke and dust that contain residues of heavy metals and sulfur coal compounds. Particulate matter lingering for more than a week after the explosions may cause asthmatics and people who suffer from COPD, that's chronic obstructive pulmonary disease, to have to take medications such as bronchodilators, steroids, and antibiotics and in some cases, take IV fluids. These are expensive remedies.

"Fireworks also cause burns and injuries, which can be life threatening, fatal and cause permanent scars on the body and in the lungs.

"A report filed this year by the Health Department showed a significant increase in emergency room visits and injuries to people. A never-before-seen influx of children injured by fireworks was seen this year in our ERs. And think of the injuries that were treated outside the ER or never reported.

"Another serious concern is the ear damage that may be happening to young children. Aerials produce levels around 150 decibels, and the boom

bombs are much louder. Studies show that small children's ears can be damaged by even short exposure to such noise. The noise can also trigger stress reactions in people who suffer from combat related Post Traumatic Stress Disorder.

"So you may say, 'It's a tradition.' I don't believe tradition is something that hurts people. I don't believe it's something that takes away their right to a peaceful holiday or causes fear and stress in pet animals. Many remember when fireworks were fun. Unfortunately that is no longer the case.

"Or would you say it's good for business? Yes, the big profits of offshore vendors and the illegal sales of aerials. At the same time, the exploitation of children and the poor takes place.

"I was particularly touched by a letter, which appeared in the *Honolulu Advertiser*, written by Dr. Torrey Goodman, an emergency room physician, which I would like to read and submit to the Journal, and these are his words."

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

Representative M. Lee continued, stating:

"To all legislators who did not have the courage to vote on a fireworks ban, I invite you to join me in a local emergency department on New Year's Eve. In 20 years as an emergency physician, I have never seen more severe injuries than I did this year. Tears of frustration and anger were how I greeted the New Year.

Please, dear legislators, explain to me why we are allowing items to be sold that result in young children literally being blown up and lit on fire, eyes damaged beyond repair and little hands curled into burnt claws.

How can you justify a child's screaming agony, lifelong scarring and a parent's worst nightmare as "cultural freedom"? Please spend one New Year's Eve in any local emergency room, and I promise you will have the courage to do what is right, and ban fireworks statewide."

"Mr. Speaker, I hope we pass this bill today, but I fear that, as last year, Conference will take its toll. Mr. Speaker, we will ban the statewide use of fireworks one day. For now, Hawaii's children and I must find at least some satisfaction in this small step in that direction. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I would just like to note my reservations on this measure. Most of the fireworks mentioned in the previous speaker's speech are already illegal, which suggest that this is an enforcement issue. I think that as far as the injuries to children, that is a parenting issue. Thank you."

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

"I rise in support with reservations. My concerns are much like what the previous speaker from Mililani mentioned. But the illegal big booming fireworks, those are not supposed to be fired at all. The time constraints are already in law. There is a ban when you cannot play fireworks unless it's within those specific time periods. It's a matter of hours. The window for when fireworks are allowed is just a matter of hours. So the window is very small.

"It's unfortunate that individuals and those 'bad apples' make it bad for the rest of this community who enjoy fireworks. They're disobeying the law and popping it at any old time, and popping those huge big ones or those aerials. They are already illegal. All of those things mentioned are already illegal.

"Now the other issue is supervision, parental supervision. It's unfortunate again, that bad supervision by parents is making it bad for other people in Hawaii to enjoy fireworks.

"Even if we make it illegal or impose a statewide ban like gambling, I'm sure it's still going to occur except now we're not going to get the taxes from it. And you'll also see regular fireworks considered illegal. The type of fireworks that you would throw, pop rocks or those regular jumping jacks, or the red firecrackers, etc. Those would be considered illegal too. My concern is that enacting a ban will not completely stop fireworks. It will be just like gambling, which is all around us right now.

"So it's a matter of policy, and that's my concern with the direction that we're heading. We've tried it with county home rule, but that showed that fireworks were being moved around to other counties who had less strict ordinances. So it creates a different type of challenge for law enforcement. A statewide law is easier to enforce because it's statewide and all law enforcement know what to do. It prevents shipping into less strict areas by airplane or other means.

"The other area we have to look at is, this is what the task force is trying to do at the port level. If these fireworks are coming in at the port level, it's kind of scary to think what other type of materials or explosives could be coming in that actually would do more harm to the State of Hawaii. So that's what the task force is supposed to do, to unify everyone: the ports, the law enforcement, the private sector, the prosecutors, everyone, to find ways to stop the illegals and those huge, big ones that just blow up in the sky and just make sound that rocks the whole town. It really doesn't make sense.

"So those are the things the illegal loud ones that are rocking everybody and people popping at the wrong times. It's already illegal. It's already illegal for us to do that. We have got to enforce it, and that's what the Representative from Kalihi was emphasizing. Thank you."

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for Senate Bill 1059, Relating to Fireworks. This bill would establish an illegal fireworks task force to stop the importation of illegal fireworks and explosives. The bill would also allow counties to enact ordinances regulating fireworks that are more stringent than State law.

"Unfortunately, this bill does not address the major issue that could suppress the promulgation, dissemination, and use of fireworks illegally. A total fireworks ban would certainly be an immediate solution to mitigate the illegal use of fireworks. However, how are our first responders supposed to enforce a total ban when they are unable to enforce the Fireworks Control Law as currently written? Providing our first responders with the necessary enforcement tools statutorily, and enacting uniform revisions to the Fireworks Control Law should be this Body's first step in tackling this divisive issue.

"For these reasons, I rise in support with reservations on Senate Bill 1059."

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

"I just would like to express my reservations, but I'm in support of the bill, Mr. Speaker. My reservation is that I don't think we need legislation. For the last six years that I've been here, we've been writing more legislation towards the ban or limit on fireworks. I think this is an enforcement issue. Until neighborhoods are willing to stand and say, 'It's that house that's popping the fireworks,' we'll never be able to enforce this because we cannot post or afford to post a policeman on every corner.

"So for those who had called me and complained about it, I asked them that they take matters in their hand. We have a police force that can arrest

people or give citations to people that violate the law. But adding legislation year after year is not the solution to this.

"We've done everything Mr. Speaker. We limited the time. We have asked for fees, permits and so on. But this last New Year is a testament to the fact that what we pass in these Chambers is not helping. For all the years that I have lived in Hawaii, I think this last New Year was the worst that I have seen. It shows that whatever laws we passed in the Chamber are not the solution. Enforcement is the solution, Mr. Speaker."

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

"Mr. Speaker, I rise with one reservation. Enforcement, enforcement, and enforcement."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of S.B. 1059, Relating to Fireworks. This bill establishes an illegal fireworks task force to stop the importation of illegal fireworks and explosives. It also requires the task force to report a preliminary plan to the Legislature no later than January 10, 2011 and allows counties to enact ordinances regulating fireworks that are more stringent than State law regulating fireworks.

"Being both a mother and the wife of a former emergency room doctor, I understand the dangers and repercussions associated with the use of illegal fireworks by inexperienced individuals. I truly believe that something needs to be done to begin discussion of this issue, and an illegal fireworks task force could be the key to begin discussion on how this problem can be resolved. By establishing a task force, a "brain trust" is created, whereby individuals who are actually on the front lines of the issue get to have a say in the solution.

"There are many possibilities in solving this issue, yet it is important to determine what the real source of the problem is. In the worst of all worlds, the State could completely ban fireworks, at the same time taking away one of the attractive cultural and traditional spectacles of Chinatown, yet still have perpetrators blow illegal fireworks smuggled in as they are now. This aspect needs to be discussed. Perhaps a confined use of fireworks to Chinatown controlled by experts and governed by police to keep people from getting too close will be one possibility and giving citizens a chance to traditionally celebrate holidays and events, while still keeping individuals safe and out of harm's way, allowing many of these holidays and events to remain attractive to tourists, who in turn contribute back to the local businesses in the area is essential.

"Or perhaps a task force discussing solely the issue of the prohibition of fireworks, we may want to consider implementing a hotline within the State Fire Council, where residents can call in to report the use of illegal fireworks. This will help with the enforcement of fireworks laws that are already in place. Perhaps even a bounty could be considered.

"We need to remember that not all fireworks users are abusing the privilege, with many of them using it solely for the cultural aspect associated with fireworks in confined and special locals. My hope is that a task force will be sensitive to these issues, and remember that a complete ban will affect many residents who have no intentions of disturbing or harming others in their use of fireworks. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. First I'd like to adopt the words of the speaker from Mililani as if they were my own. Thank you, Mr. Speaker.

"You know in 1994, the Hawaii State Legislature voted on a bill to carve out the laws pertaining to fireworks and give it specifically to the Legislature, and make this only a legislative issue. Years have passed and I think it's only gotten worse. I don't think our experiment in 1994 worked.

In fact, everybody today can look back at the New Year and the days preceding and following New Year's Day and we can all agree that it's gotten worse.

"Mr. Speaker, this is a public health and public safety issue. No other issue that faces this State, whether at the legislative level or the county level, is looked at only as a legislative issue. Take for example, tobacco. We don't have preemption on tobacco. Tobacco laws are governed not only in this Body and this Legislature, but also in the four counties and the county councils. That was by design. If a county council chooses to ban smoking in all work places, we let them. In fact, the City & County of Honolulu did so and soon thereafter, we followed and made it a statewide ban.

"To tell me that it is an enforcement issue, I agree. It is an enforcement issue, but let's look at who enforces the fireworks laws. It's not the State. It's not the State police or the State sheriff. It's not the State firefighters. It's the county police officers and it's the county firefighters. And what all of them are asking for is to give them the tools necessary to successfully enforce what is already on the books and to create additional laws and ordinances that will give them the ability to make it a safe place.

"Next year we have APEC, and as we all know President Obama was here on New Year's Eve. We heard many stories regarding the Secret Service and what they thought about what happened. I'm just worried that if we cannot get a handle on this, that we are going to be not only the laughingstock of the nation, but the entire world. We're going to have bombs going off everywhere during one of the most important meetings in the entire world next November.

"So please Mr. Speaker and Members, look at this as a public health and public safety issue. And when you look at it from that point of view, there is no reason I think that we should not allow the counties to regulate or to create additional laws regulating fireworks in addition to what we have right now on the books. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support, and may I have the words of the previous speaker and the Representative from Mililani adopted as my own. And just one quick comment.

"A Member has said that this is a matter of enforcement. It's curious to me that in all the testimony, in all the fireworks bills, including this bill, that it's the enforcement community coming to us and asking us for a ban. So I think that this measure which creates and allows the counties to enact laws that maybe, at that level they will have the collective political will and courage to do something to make this situation right. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm going to be in opposition. Thank you. Just for the reason that this issue has been around for so long that we should just take a vote on whether or not we should we have a ban. I understand that there are a lot of intricacies with enforcement and everything, but the bottom line is, where do we want to go with this legislation? Let's make a bold decision. My no vote is because I do support a total ban.

"Mr. Speaker, I think the people of Hawaii have been waiting a long time to be able to see where their legislators are on this particular issue. I think maybe we should be a little bit more transparent with the issue of having a ban or not having a ban. Thank you."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. Again with reservations. A couple of speakers had alluded to the fact that we have aerial fireworks and bombs that are already illegal, but obviously the law is not working. Hopefully we will see the counties enact a ban.

"But I think this is the only way that we will be able to stop fireworks because obviously, the illegal fireworks are being smuggled in with the legal ones or however. It's very difficult to control them here in Hawaii if you still allow fireworks because they're going to get in through boats, through private vessels, through commercial airlines, through shipping. It's extremely difficult to stop them since our borders are very porous when it comes to explosives of this type.

"One speaker alluded to the fact that the fireworks come to an area that is less strict. I would contend that it's the other way. Pre-1994, we had the Big Island that apparently allowed aerial fireworks, but they came to an area that was more strict which is they were smuggled into Oahu. So the only way to be able to police it is unfortunately, a total ban and that is what we should be working for. Thank you."

Representative Karamatsu rose to respond, stating:

"Just to the argument that the counties enforce, and we should give them homerule because it's the counties that enforce it. The counties enforce all of our criminal laws, so that argument doesn't make sense.

"If you have fireworks and you cannot pop them in the City and County of Honolulu, but you can pop it on the Neighbor Island, say Maui County, you can get a fine and criminal penalty here on Oahu. But yet if you do the same thing in another island, you won't get fined or anything. So it's not uniform.

"It's the same thing with theft. Should we define theft differently in different parts of our State or any other type of criminal law? I don't think so. That's what will happen with this."

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

Representative Sagum's written remarks are as follows:

"I am voting against SB1059, SD2, HD3: Relating to Fireworks on final passage because it places a burden on counties to enact ordinances more restrictive than State law, and it implies that enforcement would be a county responsibility.

"The 1994 Legislature passed a bill that established a single, statewide standard for fireworks. This meant that every county would follow the same restrictions. Before 1994, the illegal trade in fireworks between counties flourished. Enforcement was difficult and largely ineffective. So, why should we go back to that same problem? We should not. We need stronger enforcement of the statewide ban against aerial fireworks.

"If larger counties ban fireworks, it is questionable that the legal fireworks industry will be able to survive given the high cost of operating a fireworks storage facility and the already low profit margin within the industry.

"This issue is also deeply cultural. I grew up with fireworks set off on special holidays. I would hate to see the individual rights of those on Kauai taken away by the decisions of those on Oahu and other "urban" jurisdictions in Hawaii.

"I support the provision in SB 1059 that establishes a task force on illegal aerial fireworks. Hopefully, out of the work of this task force, we will identify more effective means of combating the trafficking of illegal aerial fireworks."

Representative Cabanilla rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal. I think that the total ban on fireworks will just encourage creativity by our people. We know those who deal with illegal fireworks or those bombs that are either self-made or homemade where we don't have control over what those homemade bombs are made of. We just heard another bill about people doing this, and we made a decision that this is not the best interest of our people to have those kinds of bombs. However, if we ban those, we would just encourage

people to create more of those type of bombs or fireworks. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and S.B. No. 1059, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Chang, Finnegan and Sagum voting no, and with Representatives Takumi and Tokioka being excused.

At 1:32 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1059, SD 2, HD 3

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 688-10) recommending that S.B. No. 2544, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2544, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm, we represent Honolulu Sea Water for procurement issues, but nothing related to the SPRB. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and S.B. No. 2544, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 689-10) recommending that S.B. No. 2610, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2610, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2610, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 690-10) recommending that S.B. No. 2440, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 691-10) recommending that S.B. No. 2249, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2249, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 692-10) recommending that S.B. No. 2383, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2383, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2383, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 693-10) recommending that S.B. No. 2564, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2564, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 694-10) recommending that S.B. No. 2339, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2339, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2339, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 695-10) recommending that S.B. No. 2566, as amended in HD 1, pass Second

Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 696-10) recommending that S.B. No. 2323, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2323, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 697-10) recommending that S.B. No. 2740, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 698-10), recommending that H.C.R. No. 47, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU," was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented two reports:

(Stand. Com. Rep. No. 699-10) recommending that H.R. No. 3, be adopted; and

(Stand. Com. Rep. No. 700-10) recommending that H.C.R. No. 5, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 3, and H.C.R. No. 5, be adopted, seconded by Representative Evans.

Representative M. Lee rose in support of both measures, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 3, entitled: "HOUSE RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was adopted, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused; and

H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was adopted, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

ANNOUNCEMENTS

Representative Herkes: "Mr. Speaker, your Committees on Consumer Protection & Commerce, and Judiciary are scheduled to have a public hearing at 2:00 and 2:05 this afternoon. We request that we move that back to 2:30 and 2:35. It's been a busy day. Thank you."

Representative Wakai: "Thank you, Mr. Speaker. I would like to share a short and uplifting story with this Body. It's a story about two Chinese moles. They burrowed underground for 20 years. Other moles have scurried in, others have scurried out. But much of their duties were to process a lot of tree bark byproducts. Paper here, paper there. They continued foraging through paper until the electronic age hit. Then, the piles of stuff lessened.

"At around this time, one of the two moles got sick. So sick that there was talk of needing acute care. The sick mole was not looking forward to having her blood cleaned by machine, but the alternative was a slow death. The second mole could not bear to see her friend withering away, but what could she do? She was no doctor. The second mole didn't have a special potion to make things all right. However, what that second mole had was a heart of gold and extra organ to share.

"The two moles that worked next to each other for more than two decades soon found themselves next to each other on an operating table. One mole clinging to life. The second willing to share hers. The surgery was a huge success. Both moles would eventually reunite to their underground life working for the State House of Representatives.

"Last September, Pat Mau-Shimizu was facing stage four kidney failure. Dialysis was the next step for her survival. But before that moment could take place, CJ Leong offered up her extra kidney. Now Pat has a second lease on life. She looks great, and should have a full life expectancy.

"Who would have thought these two moles who sit next to each other every day and have spent much of their adult life underground, would eventually become bonded in this manner? On this World Kidney Day, there is a deep lesson to be learned for all of us. A lesson about the pure goodness of what took place last September.

"This story has a happy ending, but last year 16 people in Hawaii died waiting for an organ transplant. It took an abundance of courage for CJ to donate her kidney. She looked past the pain and anguish to become a true hero.

"Many of us may support worthy causes through our time and maybe through our wallets, but how many of us would share a piece of ourselves to save another. It is truly amazing how one human can have such a

powerful, powerful impact on another. All of us in this Chamber are lucky to be daily witnesses to the power of kindness.

"CJ, what you did for Pat is fantastic. What your story will do for the greater community is phenomenal. You inspire all of us to be kind, generous, and humble. Thank you, Mr. Speaker."

ADJOURNMENT

At 1:40 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 12, 2010. (Representatives Berg, McKelvey, Souki, Takumi and Tokioka were excused.)

Honolulu Star Bulletin
Thursday 3/11/10

Linked for life through their kidneys

House Clerk Pat Mau-Shimizu was in desperate need of a kidney and found a perfect match in her assistant, C.J. Leong

By Richard Borreca
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For more than 15 years, medical hope for House Clerk Pat Mau-Shimizu was sitting next to her on the House floor — C.J. Leong, House assistant clerk.

Mau-Shimizu, 57, is an attorney and 23-year veteran of the Legislature. She also suffers from diabetes and had chronic kidney disease that progressed to the severe stage.

"In the beginning stages, there are no symptoms, there is no pain, and that is why testing is so important," Mau-Shimizu said. It progressed to a point where Mau-Shimizu was constantly tired, on a limited diet and starting to have severe side effects.

Her doctors told her she had to go to classes at Hawaii Medical Center-East to learn about treatment and to explore options.

Mau-Shimizu opted for a kidney transplant, but the choices were limited. Her brother could not donate, and she didn't want her daughter to.

Leong offered to drive Mau-Shimizu to the classes.

"I knew it could be kind of nerve-wracking," said Leong, 52, also a two-decade legislative veteran. "Part of the workshops were about finding donors."

Her curiosity piqued, Leong contacted the transplant coordinator without telling Mau-Shimizu and asked for information about becoming a kidney donor.

"The odds of us being a match were remote, but I wanted to give it a try," says Leong, who is of Chinese, Japanese and Hawaiian descent. Mau-Shimizu is Chinese.

Working in their favor was the fact that their blood type matched and they were roughly the same age.

After the Legislature ended in 2009, Leong decided to volunteer to be a donor and started a process of screening and counseling.

"They won't take just any old kidney," Leong said. "They want to make sure it is healthy."

After getting a complete physical and even going thorough discussions with a social worker and a psychologist, Leong was declared a match and ready to help Mau-Shimizu.

"It was in August that I got the call. All along the way every person asked me, 'Why are you doing this? What is your relationship to the patient?'"

Leong explained that although she was Mau-Shimizu's assistant, both were independently appointed by the House speaker and then confirmed by the 51 House members.

"You could noticeably see them relax. They didn't have to worry about coercion," Leong said.

All that was left to do was tell Mau-Shimizu that she had a kidney to give her a new life.

Leong was low-key, saying she didn't want to get Mau-Shimizu's hopes up, because there was always a chance of rejection.

"When she first told me about it, I first didn't believe it, and then on the way home I was passing Holy Trinity Church in Aina Haina and I just started crying and it had sunk in that now it was a go," Mau-Shimizu said.

The operations were held in September, almost exactly one year from when Leong and Mau-Shimizu attended the first class.

There have been no complications.

Mau-Shimizu takes medicine to prevent rejection of the new kidney. Leong gets a checkup every three months and finds that giving her kidney gave her a new family.

"My mother and father are telling everybody they have another daughter, and when I saw her father last week, he asked, 'How's my hanai daughter?'" Mau-Shimizu said.



Cindy Ellen Russell crussell@starbulletin.com

Top: State House of Representatives Clerk Pat Mau-Shimizu, left, received a kidney from assistant House Clerk C.J. Leong in September. They have worked together for more than 20 years.

Above: House of Representative Clerk Patricia Mau-Shimizu, foreground, received a kidney transplant from House Assistant Clerk C.J. Leong, background, in September. The clerks became a match after an extensive two-year search.

Right: C.J. Leong held a cross that was presented as a gift by Mau-Shimizu's mother, Leilani Mau, who wore the necklace every day for 20 years.



"For someone thinking about it, I would say get the information, educate yourself," Leong said. "It costs you a little discomfort, but the gratification in seeing the recipient have a better quality of life is priceless."



Free kidney screenings at Capitol event

The local office of the National Kidney Foundation is sponsoring a special "Kidney Day" at the state Capitol from 10 a.m. to 4 p.m. today.

There will be free kidney screenings and other events.

"Most people with kidney disease are not diagnosed until late in the course of illness when there are few opportunities for prevention," says Glen Hayashida, National Kidney Foundation of Hawaii chief executive officer.

"There will be cooking demos, free screenings and entertainment at the Capitol, all in an effort to keep our neighbors alive," says state Rep. Glenn Wakai.

Star-Bulletin staff