

## SEVENTEENTH DAY

## Friday, February 12, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Dr. Stephen R.P.K. "Kalani" Brady of the John A. Burns School of Medicine, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Cabanilla and Takumi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 175 through 179) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 175, dated February 1, 2010, transmitting the Hawaii Health Systems Corporation report on an Internal Audit of management and operations of the corporation and regions pursuant to Section 323F-22(d) HRS.

Gov. Msg. No. 176, dated February 8, 2010, transmitting the Annual Report on Correctional Industries, as required in Section 354D-3.5, Hawaii Revised Statutes.

Gov. Msg. No. 177, dated February 8, 2010, transmitting the Act 8 (2007), Special Session, Part 1, Section 7(c) Return of Out-of-State Inmates and Reentry into the Community, and Part 7, Section 21, Inmate Reentry into the Community Report.

Gov. Msg. No. 178, dated February 8, 2010, transmitting the Act 162, Part VII, Section 161, Department of Public Safety Overtime Costs Report.

Gov. Msg. No. 179, dated February 8, 2010, transmitting the Act 240 (2008), Services for Children of Incarcerated Parents Report.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 22 through 28) were received and announced by the Clerk:

Sen. Com. No. 22, transmitting H.B. No. 2162, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 23, transmitting S.B. No. 2015, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 24, transmitting S.B. No. 2375, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 25, transmitting S.B. No. 2524, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 26, transmitting S.B. No. 2596, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 27, transmitting S.B. No. 2699, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 28, transmitting S.B. No. 2812, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," which passed Third Reading in the Senate on February 11, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Bertram, Cabanilla and Takumi were excused.)

S.B. No. 2015, SD 1  
S.B. No. 2375, SD 1  
S.B. No. 2524, SD 1  
S.B. No. 2596, SD 1  
S.B. No. 2699, SD 1  
S.B. No. 2812, SD 1

## DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 59) was received by the Clerk and was placed on file:

Dept. Com. No. 59, dated February 9, 2010, from Chiyome Leinaala Fukino, M.D., Director of Health, Department of Health, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321-27, Hawaii Revised Statutes, Requesting the Department of Health to Submit a Report on the Status of the Environmental Health Education Fund.

## INTRODUCTIONS

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

Representative Manahan introduced his friends and constituents, Mr. Edgar Fernandez, Ms. Erin Nicole Fernandez and Ms. Erica Dawn Fernandez; as well as Ms. Emilia Agatep of New York, and Mr. Nestor Guevarra of the Philippines.

Representative McKelvey introduced Mr. Justin Hughey, a teacher at King Kamehameha III Elementary School who was accompanied by legislative staff, Mr. Charlie Wood.

Representative Mizuno introduced Ms. Inga Gibson and members of the Humane Society of the United States, Ms. Vanessa Golding-Fox of the Hawaii Humane Society, and other animal rights advocates.

At this time, the Chair announced:

"Before we go through the Order of the Day, the Chair would like to ask for your indulgence and your understanding. If you're going to speak on Second Reading, would you kindly insert written comments, for or against the measures that are on pages 2 to 23. That way we can support our Members who are catching their flights to the Neighbor Islands so that they can have their four-day weekends since today is Furlough Friday.

"If you all understand the Chair's request, with your patience and your indulgence, would it be possible to submit written comments for or against on these Second Reading measures?"

At 12:14 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

**ORDER OF THE DAY****COMMITTEE ASSIGNMENTS**

The following measures were referred to committee by the Speaker:

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

39 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

40 Committee on Agriculture, then to the Committee on Tourism, Culture, & International Affairs

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

83 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

84 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance

85 Committee on Health, then to the Committee on Finance

86 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

87 Committee on Tourism, Culture, & International Affairs

88 Committee on Labor & Public Employment, then to the Committee on Legislative Management

89 Committee on Agriculture, then to the Committee on Tourism, Culture, & International Affairs

**S.B.**  
**Nos.****Referred to:**

2015, SD1 Committee on Consumer Protection & Commerce

2016 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2017 Committee on Consumer Protection & Commerce

2018 Committee on Consumer Protection & Commerce

2375, SD1 Committee on Transportation, then to the Committee on Judiciary

2432 Jointly to the Committee on Higher Education and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2524, SD1 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources

2596, SD1 Committee on Consumer Protection & Commerce

2602 Committee on Consumer Protection & Commerce

2699, SD1 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2754 Committee on Transportation, then to the Committee on Judiciary

2759 Committee on Transportation, then to the Committee on Judiciary

2812, SD1 Committee on Consumer Protection & Commerce

**COMMITTEE REASSIGNMENTS**

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

**H.B.**  
**Nos.****Re-referred to:**

2739 Committee on Finance

2741 Committee on Finance

**H.C.R.**  
**No.****Re-referred to:**

66 Committee on Water, Land, & Ocean Resources

**STANDING COMMITTEE REPORTS**

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 313-10) recommending that H.B. No. 2845, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2845, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 314-10) recommending that H.B. No. 2486, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2486, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill.

"This bill calls for a minimum of 1,080 student instructional hours per year in grades K-8. Based on the current school day, the increased number of instructional hours would amount to a 229 day instructional year. This would give us an increase of 45 days per year.

"I believe that the interest and education of Hawaii's children should be our first priority. Today's students are expected to know more and to meet higher standards so that they may flourish in a highly competitive marketplace.

"It is imperative that we increase the number of instructional hours per school year for each grade to promote achievement. At less than six and a half hours a day, Hawaii's children are unable to compete with their mainland counterparts. In addition, we do our teachers a disservice by

giving them so little time with their students. As a parent I would like to see Hawaii's children have the same length of instructional time as their counterparts on the mainland.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker. This bill extends our school year by requiring minimum instructional time for our students. It won't be a quick fix for our public schools, but it is an absolutely necessary first step to prevent a generation of our children from growing up with only a fraction of a full education. I want to see teachers have more school days at their disposal to teach our children if they so choose. I want to see Hawaii's schools match the best in the world, but it's not going to happen unless our children are given more time to learn."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2486, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 315-10) recommending that H.B. No. 2574, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2574, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 316-10) recommending that H.B. No. 2604, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2604, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 317-10) recommending that H.B. No. 2296, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 318-10) recommending that H.B. No. 2639, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2639, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 319-10) recommending that H.B. No. 2939, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2939, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Report 319, I'm in support, but actually I think with reservations. I'd like to include some written comments, but the reason I have reservations is, as I stated on the Floor before, the Legislature created the Long Term Care Commission and gave it a mission. The appropriation was never released by the Governor and the Chair of the Long Term Care Commission went out and got private money to get the study done. So it seems rather presumptuous of us to then tell him what to do. I think this bill might be better as a resolution. Thank you."

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

"Mr. Speaker, I am in support with reservations on HB2939. I support this bill with reservations because the Commission and Chair Ho went to great lengths to obtain private funding for its study and is now on the way to producing a vital five-year plan to achieve the State's long-term care policy goals. After taking into consideration the Commission's commitment to Hawaii's long-term care, I would be embarrassed to now tell the Commission what to do.

"This is more appropriately addressed in a resolution."

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

"Mr. Speaker. I am in favor, with strong reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2939, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LONG TERM CARE COMMISSION," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 320-10) recommending that H.B. No. 2631, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 321-10) recommending that H.B. No. 2667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2667, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, while cutting legal corners made the Hawaii Superferry a real fiasco, it was clear that an interisland ferry service could have real public benefits. We now know where we must be cautious to prevent

negative environmental impacts, and I'm glad to see the State looking into the potential of an interisland ferry service once again. This time our environmental laws must be followed, and the process must be legitimate before a ferry begins operation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 322-10) recommending that H.B. No. 2583, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 323-10) recommending that H.B. No. 2250, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2250, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to vote against House Bill 2250 and just to request of the Finance Committee to really take a look at the impact this bill could have on victims of domestic abuse. Abusive spouses, as we were told at the Committee hearing, could use this bill to take children away from the abused spouse."

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

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

"Mr. Speaker, I'm also in opposition to this bill. We had testimony that the law is not working correctly and this change would not help victims of domestic violence in keeping their children. They fear for their safety, so I'm voting no at this time."

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

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

"Thank you very much, Mr. Speaker. I have serious reservations, and may I have the words of the speaker from Kailua entered into the records as if they were my own?" and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I have serious reservations. The women have said that the law is not working for them, and this one doesn't seem to reach its level. Forgive me for speaking, but a lot of people in this Body don't read the Journal. I know it's the record, but for the sake of alerting people that this may be a bad bill. People have got to know about it, so I think that's what has moved a few people to stand up as myself. Thank you, Mr. Speaker."

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

"Mr. Speaker, please note my reservations for the same reason."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT," was referred to the Committee on Finance, with Representatives Marumoto and Thielen voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 324-10) recommending that H.B. No. 2935, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2935, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I just wanted to please note my reservations on Stand. Com. Report 324. I'm in agreement with the underlying purpose of the bill. I have some reservations about the HD 2 version. Mahalo."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2935, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 325-10) recommending that H.B. No. 2599, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 326-10) recommending that H.B. No. 2000, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 327-10) recommending that H.B. No. 2895, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURE," passed Second Reading and was referred to the Committee on Judiciary, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 328-10) recommending that H.B. No. 165,

HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 165, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 329-10) recommending that H.B. No. 2783, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2783, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2783, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 330-10) recommending that H.B. No. 823, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 823, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Mizuno's written remarks are as follows:

"I rise in support of Stand. Com. Report No. 330, HB 823. When colorectal cancer is diagnosed at the earliest stage, the five year survival rate is 90%. However, after the cancer spreads, the five year survival rate goes down to 10%. The American Cancer Society stated that for only an additional .55 cents per insured individual per month, tests could be reasonably performed to diagnose this type of cancer. I humbly ask all Members to support HB 823 to reduce colon cancer deaths in our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 823, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 331-10) recommending that H.B. No. 2446, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2446, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TELEVISION AND FILM DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 332-10) recommending that H.B. No. 2592, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2592, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 333-10) recommending that H.B. No. 1847, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1847, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

"Mr. Speaker, I rise in support of HB1847. This bill will support Act 169 from last Session, as well as align our State Nurse Practice Act with the national standard, necessary in the near future for the Interstate Compact and APRN Interstate Compact.

"I agree with deleting the controlled substance dispensing. APRNs should be able to receive samples. I commend the Board of Nursing for working with the stakeholders to reach consensus. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 334-10) recommending that H.B. No. 2312, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2312, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 335-10) recommending that H.B. No. 1366, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1366, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 336-10) recommending that H.B. No. 2813, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2813, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan 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. 2813, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GYNECOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 337-10) recommending that H.B. No. 1902, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1902, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, in support. I'll submit some written comments, but this needs to be delayed because of the delay in getting the money. The appropriation was not given by the Governor so the Chair had to go out and get private money to do this study. Thank you."

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

"Mr. Speaker, I am in support of HB1902. I am in favor of this measure because the extension afforded to the Commission for their final reports are necessary and valid. Private funds were obtained to do a study, but results will be delayed due to lack of funding from the administration. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 338-10) recommending that H.B. No. 2556, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 339-10) recommending that H.B. No. 2971, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2971, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Carroll's written remarks are as follows:

"In strong support of HB 2971. The purpose of this bill is to ensure that any island on which a renewable energy facility is proposed to be built, there must be consultation with the residents of that island when the Energy Resources Coordinator discusses and establishes the terms and conditions of permits, plans, and community benefit agreements regarding such facilities.

"As the State Representative of Moloka'i and Lana'i, currently these two islands are most likely to be affected immediately because of proposals and negotiations taking place to build a solar energy farm and a large wind farm. I find that any project that could impact a community should be subject to the approval of that community. Moreover, because many of the proposals for renewable energy facilities entail the exportation of energy, it is highly important that the island residents be consulted prior to the construction of the facilities and have a voice in the proceedings.

"The bill has been amended to reflect these concerns and I urge my colleagues to support this measure because it is beneficial for everyone that we find win-win solutions to solving our need to produce alternative and renewable energy that will help us get off the importation of oil. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2971, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITY SITING PROCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Morita and Tsuji, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 340-10) recommending that H.B. No. 2421, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2421, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations and note that this is the 'Barrel Tax' that was vetoed the last Session. I'll vote with reservations until we see how far it goes down, or if it disappears, or if we know the veto is going to come again. The point being that domestic violence, poverty, hunger, homelessness, everything is exacerbated in Hawaii, and we seem to de-link the causality with the cost of living.

"Mr. Speaker, I think this bill and others with great causes for the environment are super, but you know the thing that is most intimate in our hearts are the people of Hawaii and we need to help them survive. Not that we don't have to take care of the environment, but we need to stop taxing and increasing the cost of living in Hawaii. Thank you, Mr. Speaker."

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

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.B. 2421 – Relating to Government. This bill establishes various initiatives, and appropriates funds to promote economic development for local food and energy businesses. It also ensures Hawaii is energy and food self-sufficient and sustainable to the maximum extent feasible.

"Although this measure has good intentions to promote our State's economic development and to help Hawaii's natural resources, it represents a large tax increase that will impact all Hawaii residents. As stated by the Department of Taxation, "the State and the Nation are in a recession where taxpayers are worried about their finances. This tax is highly regressive and will impact the poor the most." Thank you."

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

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

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

"Thank you, Mr. Speaker, in support. I just wanted to comment that this isn't an environmental bill. This is an economic stabilization bill for our State. Thank you."

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker I speak in strong support of HB 2421. This legislation establishes initiatives and appropriates funds to increase Hawaii's environmental security and food and energy self-sufficiency.

"More specifically, this measure promotes:

- (1) Economic development for local food and energy businesses by providing necessary funding, guidance, and infrastructure;
- (2) Hawaii's energy and food self-sufficiency and sustainability to the maximum extent feasible; and
- (3) Hawaii's natural resources and better adaptation and resiliency to the inevitable challenges brought on by climate change caused by carbon dioxide and other greenhouse gas emissions from burning fossil fuels.

"Hawaii is at a crossroads. As the most geographically isolated state in the country, we are dangerously dependent on imports for basic food and energy. We import about eighty-five per cent of our food and ninety-five per cent of our energy. It has been estimated that Hawaii exported \$8,600,000,000 for food and oil in 2008, and every dollar exported is a lost opportunity to support and invest in local businesses. Our dependence on imports also exposes residents and businesses to volatile food and energy costs as oil prices fluctuate.

"Similarly, many acres of highly productive agricultural lands are not being farmed. Currently, Hawaii has a fresh supply of produce for no more than ten days. Ninety per cent of the beef, sixty-seven per cent of fresh vegetables, sixty-five per cent of fresh fruits, and seventy per cent of all milk consumed in the State are imported. While Hawaii may never produce one hundred per cent of its food, the risks and costs to society for dependence on imported food cannot be ignored.

"HB 2421 specially addresses these serious concerns. Through an increase to the per-barrel tax on petroleum products under the environmental response, energy, and food security tax, formerly known as the environmental response tax, monies will be appropriated for the energy and food security initiatives established by this Act.

"In particular, an Agricultural Development and Security Special Fund will be directed towards, among other things, promoting Hawaii agriculture production and processing, battling varroa mites, controlling and eradicating pests, and planning for construction of waterways and distribution systems. To ensure accountability, the Department of Agriculture would be required to submit a report to the Legislature on the status and progress of programs and activities funded under this special fund.

"HB 2421 establishes crucial initiatives and appropriates necessary funds that will allow Hawaii to increase its environmental security and food and energy self-sufficiency. It is in this regard, I am in strong support of HB 2421. Thank you, Mr. Speaker."

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

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2421. This is another reincarnation of last year's failed barrel tax. Raising this tax in the midst of one of the worst economic recessions that our country has experienced in modern times is absolutely wrong and counterproductive. Whether the increased revenue goes toward a worthy objective or not, the negative financial impacts to consumers and the people of Hawaii will be inevitable. The cost of fuel will increase and so will the cost of any good transported in Hawaii. The proponents of this measure will be responsible for exacerbating the already too high cost of living in Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan and Marumoto voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 341-10) recommending that H.B. No. 2960, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 342-10) recommending that H.B. No. 2812, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2812, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, I'd like a ruling on a possible conflict of interest. I served on two boards of directors of condominiums," and the Chair ruled, "no conflict."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations of H.B. 2812, Relating to Condominiums.

"I live in a condominium and serve on a condominium Board. I tend to agree with the premise of this measure, which establishes a requirement to provide a balance of members of condominium Boards of Directors in mixed use condominiums so that there is representation provided on these Boards for residential owners and, as stated in supporting testimony, "will give tenants, and owners of condominiums more substantial and equitable representation."

"My only concern is that currently on the Board I serve on we often have trouble getting anyone to serve and create quorum. Any added restrictions may only exasperate this problem. 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. 2812, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Consumer Protection &

Commerce, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 343-10) recommending that H.B. No. 2488, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2488, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just wanted to reveal a potential conflict. I work at a homeless shelter," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. A no vote on House Bill 2488. Mr. Speaker, I support finding ways to help and house the homeless, and there are some programs that really do work. This one I don't believe is going to work. It turns our county parks into homeless shelters, and then some things that just seem to not to be appropriate. They're saying that the counties have to put in showers, coin operated washers and dryers, and lockers in the county parks. Then they say there's restriction on just one shopping cart per person for personal possessions.

"Mr. Speaker, shopping carts aren't available to be purchased by the public, but they are available to be taken from markets. The bill, as it is focused, it does not make sense. The overriding purpose, to provide housing for homeless and shelter for homeless does make sense, but this isn't the vehicle. Thank you."

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

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

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2488. It increases the Conveyance Tax by 15% on the sale of homes valued at \$1,200,000 and more to finance the purchase and maintenance of parks under the jurisdiction of the counties to serve the homeless. It also requires the counties to provide matching funds. It was this Body that already raised the Conveyance Tax significantly last year. We can't keep taxing our way out of our budget deficit."

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

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

"Mr. Speaker, with reservations. And this bill is a reminder why we all miss Frank Fasi."

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

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

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

"Reservations for now."

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

"Mr. Speaker, I'd like to stand in strong support. Homelessness has become a very difficult issue for our community over the last few years, and while there is no clear solution on how to address this issue, this is one possibility to take a look at addressing those who are most needy in our community.

"Secondly, while I know people share some concerns regarding placing this in parks, at some point we're going to need to find some, perhaps temporary solutions to stabilize the situation and find a more permanent and broad solution. But I would just ask the Members to keep an open mind and keep the discussion moving forward. Thank you."

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

"Mr. Speaker, I think I'll be voting no on this measure and I note that it raises the Conveyance Tax for certain homes to over 15%. We increased that tax last year, and here we're doing it again, so I question this bill. Thank you."

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

"I'm standing in support. I want the words of the Majority Whip in the Journal as my own. I really want to emphasize again, I think that what he was trying to point out is, this is a tool. And if we move this forward, it continues to bring attention to the fact that the homeless population in Hawaii is growing, whether we like it or not.

"This is a real creative tool that we can possibly use to accommodate and have people in safe places, in sanitary conditions. Some of us are worried about putting people in parks, but I think having them in parks with lighting, with showers, with bathrooms, is better than what I see when I drive from the State Capitol through Waikiki. I see the homeless sleeping in doorways of small business owners and that's not acceptable. So I'm really glad that we are moving this forward because if the bill makes it or not, it will bring attention and people will be talking about it. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations. And I just want to say, I appreciate the Majority Whip's diction. I thought he was almost going to make me an offer I couldn't refuse. Thank you."

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

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

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

"Thank you, Mr. Speaker. I rise to speak very briefly in opposition. The part that I have a problem with is if we raise the Conveyance Tax, at least the State has an opportunity to raise taxes for homelessness. The problem I have with this bill is we have the ability to raise taxes, but at the same time what we're doing is we're requiring the counties to put in matching funds to whatever amount we are. I know this year we're looking at taking money away from the counties. The last thing we should do is force the counties to do the same thing that we have the ability to tax people on. Thank you."

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

"Thank you Mr. Speaker, in support. And I want to adopt the words of the Majority Floor Leader and the Majority Whip, and just add that this is already happening in places like the Waianae Coast. Probably the majority



of our parks already are for the homeless and this is something that the community and the police have been asking for, for years; that we designate certain parks where it is legal for them to camp. Because the way it is now, they sweep the parks and they know that they have nowhere to go. And they just go from one park to the next park, to the next park.

"The police are human too, you know. It's not fun to go up to a family with a baby and to tell them that they have to leave knowing that they have nowhere to go. So this is something the community is desperately asking for. Maybe the bill needs some fine tuning, but I'm very, very happy to see that it's a concept that is starting to be embraced by the greater community."

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

"Thank you, Mr. Speaker. In support of Stand. Com. Report 343. The parks issue was actually brought by the Administration. That's why it's in this measure. That was their idea. The Chair of Housing actually incorporated the idea from the Administration regarding the parks so that part of the bill is actually from the Administration. So I am in support. Thank you, Mr. Speaker."

Representative Keith-Agaran rose to speak in opposition to the measure, stating:

"Mr. Speaker, please record a no vote for me. I'm against any more additional mandates on the counties when we're thinking of taking their TAT."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representatives Keith-Agaran and Luke be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ward rose, stating:

"Mr. Speaker, I'd like to change my vote from with reservations to a no vote, and to remind us that as tourism is still our breadwinner, our environment is our economy, and our economy is our environment. If we lose our parks, we lose an integral part of that whole attraction. Thank you."

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

"Thank you, Mr. Speaker. With all due respect to the situation that the Representative from Waianae brought up, I'm in opposition."

At 12:35 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2488, 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 Belatti, Berg, Chang, Ching, Finnegan, Hanohano, Keith-Agaran, C. Lee, Luke, Marumoto, McKelvey, Nishimoto, Pine, Thielen, Ward and Yamane voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 344-10) recommending that H.B. No. 2125, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2125, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"On Stand. Com. No. 344. I am in support with slight reservations and would like to submit written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.B. 2125 – Relating to Environmental Protection. This bill requires businesses in the State to collect an offset fee for each plastic or paper disposable checkout bag, newspaper bag, and laundry or dry cleaning bag distributed to customers.

"I support the Rise above Plastics campaign and respect their efforts to make positive change in our environment, however, the administrative efforts that must be done if this measure is passed will be both grueling and costly. Additionally, this measure will harm local businesses. As stated by the Retail Merchants of Hawaii, "In this troubling economy, retailers should be afforded opportunities to keep their doors open and their employees employed, and not be overly burdened with greater expenses." This measure will also go on to affect the general public, which, according to the Department of Health, is inappropriate at this time of economic difficulty. Thank you."

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

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

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

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

Representative Chang 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. 2125, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 345-10) recommending that H.B. No. 2676, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2676, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in strong support and I would like to submit comments to the Journal."

Representative Carroll's written remarks are as follows:

"In strong support of HB2676. This bill exempts contracts for the procurement of food or fuel made by the Kahoolawe Island Reserve Commission (KIRC) from the State Procurement Code. Under new amendments to the bill, KIRC would still be subject to the reporting requirements of the State Procurement Code to ensure that the Code is otherwise complied with and to avoid discrepancies in the future.

"The rehabilitation of Kaho'olawe is a matter of vital importance to the Hawaiian community and the State at large. However, KIRC is typically underfunded, which greatly impacts its ability to carry out its mission. As the State Representative of the Island of Kaho'olawe, I am highly in favor of this bill, as I understand the enormity and importance of the task at hand in terms of its impact on the Hawaiian people and the preservation of their cultural heritage.

"Furthermore, I know firsthand that by exempting KIRC from the State Procurement Code it will help them to expedite their process to ensure that food and fuel is provided in a timely manner for their staff to receive in order of fulfilling their mission. I urge my colleagues to please support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 346-10) recommending that H.B. No. 2057, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2057, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. No. 346 I have very serious concerns. I notice that this is a major change in the Procurement Code. There's no testimony. There's no input from the Procurement Institute. And there're sections in here that really bother me. For example, authorizing the Procurement Officer or the Auditor to audit the books of a contractor. I don't see how in the world we can go and audit the books of the private sector, so I have reservations."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2057, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed

Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 347-10) recommending that H.B. No. 2133, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Chang, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 348-10) recommending that H.B. No. 2382, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2382, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 349-10) recommending that H.B. No. 2376, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2376, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of this measure with reservations. Thank you, Mr. Speaker. This is the constitutional amendment proposing a change to the Board of Education. I do support the effort to change the Board from an elected Board to an appointed Board. In fact, I've supported it pretty much my entire legislative career. I believe the intent here is to model the new Board of Education and the process after the University of Hawaii Board of Regents, and as such, my concern is this.

"If in fact we want to make the entire Board of Education appointed, as provided by law, we still have funky little things at the very end of the Constitution that says the Hawaii State Student Council shall select the public high school student to serve as a non-voting member on the Board of Education. I do support a voting student member on the Board of Education. However, I do believe that if we're going to do this right, and I believe I spoke on it earlier, if we're going to do this right, let's do it right. And let's remove any provisions and any qualifications to any members on the Board of Education and leave to the underlying bill which is not in front of us today, but will be worked on as well.

"Because if you take a look at the question that is posed to the public on page 2, it talks about the entire Board of Education. So my recommendation to the Chairman of the Education Committee is, in discussion during the hearing was to do just that. And I had hoped that it was going to be picked up by the Judiciary Committee. We have more chance in the Finance Committee, but it's kind of this quirky little thing right now that's still sitting there, and that in the end of the day, if this bill passes and the Constitutional Amendment passes, I believe it will raise a considerable amount of questions in the future. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I'm opposed to this measure. I believe that we are rushing into changing the current system that we have a little too rapidly.

We're overreacting and I would prefer a resolution or something of that nature where we can study this a little bit more. I still believe in the electoral system and that the Board members should be elected by respective constituencies; possibly smaller constituencies with an increased number of Board members. But just going into this measure, I would hope that somewhere along the line, it would be held back for this year so we can sit back a little bit and begin to see if this is the right way to go. I think the reaction is too early at this point. Thank you."

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

"Yes, in support, Mr. Speaker. We are in an educational crisis, and in a crisis there's no longer any more time for studies or delay. We must be more proactive and we must take a little bit more chances if we want to bring change to our public education system. So I think we should continue this discussion. This of course isn't going to change everything, but it's at least going to make at least just one person truly accountable for the decisions that are made. It takes away all of this back and forth of who's in charge where nothing gets done."

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

"Thank you, Mr. Speaker. I rise in support. I just wanted to clarify that this is the bill for the Constitutional Amendment change, and I would urge our colleagues to pass this at this moment as we work with Finance also to craft the underlying bill. It's the underlying bill that establishes how the Board will be appointed and the process in which the Superintendent will be hired that really warrants all of our attention. Thank you."

Representative Finnegan 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 Finnegan's written remarks are as follows:

"I have serious reservations about this measure. It amends the Hawaii Constitution to provide for a Board of Education to be appointed by the Governor. Although I applaud the desire to enact some real educational reform, I do feel that other proposals would ensure a greater degree of accountability and results on the part of the DOE. For instance, making the Superintendent of Education a cabinet position on the Governor's cabinet or abolishing the BOE would be much more advantageous than keeping the BOE and making it all appointed."

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

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

"Mr. Speaker, I rise in support. I also would like to identify with the comments of Speaker Emeritus because he said it would be a good bill if we had smaller, accountable representative units. That's really pushing the ball down the court. This is a half a loaf. We can't get that. We've got to get accountability because we are in a crisis, and we've got no accountability."

"When you live in a round house, you can never get cornered and that's why we still have furloughs, Mr. Speaker. That's why our kids today are not in school, because we've got nobody accountable because everybody points around, and around, and around, and around, and around, and we're still going around. And if we *Sine Die* and the kids are still out of school, Mr. Speaker, we as policy makers that put our first priority on education, our biggest budget item, if we can't get our kids back into school by the end of this Session, shame on us."

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

Representative Carroll's written remarks are as follows:

"In opposition of HB2376. The purpose of this bill would require that members of the Board of Education (BOE) be appointed by the Governor, with Senate approval."

"I oppose this bill because I am concerned about the Neighbor Islands not having true representation because through an appointment process, it becomes political with the Administration. Having elections ensures that the people of that respective district have an opportunity to meet their candidates and examine their views, opinions, and values. But a government-appointed BOE would not necessarily understand the diverse needs of the Neighbor Islands because it doesn't require the appointee to live in those districts."

"I humbly ask my colleagues to please vote no on this measure."

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

"Mr. Speaker, I'm strongly in favor of this measure as were three former Governors of this State, Ariyoshi, Waihee and Cayetano, who served a total of 25 years as Governors of this State. They know that the way it's set up now is unworkable and they are all advocating this change. It is imperative that we follow their advice. 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. 2376, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Souki voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 350-10) recommending that H.B. No. 2759, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2759, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to ask for a potential conflict ruling. I'm a homestead lessee," and the Chair ruled "no conflict."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 2759, which creates a gaming commission to regulate all gaming on Hawaiian home lands, imposes a wagering tax on gross receipts of casino gaming operations and provides for distribution to the general fund and the Hawaiian Home Lands Trust Fund."

"Why do we need legislation like this, which jumps the gun when we do not even know if our residents support gambling in the first place. The Department of Hawaiian Homelands itself opposes this legislation, claiming, "DHHL is concerned about the potential disadvantages associated with gaming: negative impacts to local businesses, difficulties with and cost of regulation, and social costs which may unintentionally cause a negative impact to our beneficiaries and to the State." Considering that Hawaiian Homelands is to receive 80% of gambling revenues, the opposition of this only major beneficiary should be enough in itself to kill the bill."

"Both in terms of budget balancing and human welfare, the costs of legalized gambling grossly outweigh any potential revenue. Legalized gambling will not attract new money into our State, either by causing visitors to spend more or by attracting new visitors: The savings tourists would have otherwise spent on retail items, dining, and services – which

simultaneously enrich their cultural experience and knowledge of the Islands, feed local business, and disseminate items which will popularize Hawaii vacations to others abroad – will simply be drained by the casinos. Moreover, a chaotic environment of legalized gambling will repel eco-tourists, families, and leisure-seeking professionals who now select Hawaii travel as a quiet escape from mainland bustle. The boisterous and criminally-inclined demographic which gambling may indeed lure, I am sure, will only repel our most loyal visitors, and in no way compensate for them.

"Hawaii residents, already struggling with bankruptcy, foreclosures, illiteracy, domestic abuse, and drug addictions, cannot afford casinos. Let us not repeat the mistake made by 19th Century planters who spread the rabid mongoose, decimating countless species of native birds and reptiles, in an effort to curtail the rat. Just as planters missed the rat in the end, so will legalized gambling miss our budget goals. Thank you."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Mr. Speaker, a no vote. And I note that Hawaiian Homes is against this. It needs to be vetted further. In particular at the national level also. Thank you."

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

Representative Carroll's written remarks are as follows:

"In support of HB2759, Relating to Gaming. The purpose of this measure is to authorize the Hawaiian Homes Commission (HHC) to allow gaming on Hawaiian Home Lands and to consult with the HHC Act beneficiaries and designate specific Hawaiian Home Lands parcels for the purposes of establishing casino gaming operations. The measure also creates the Hawaii Gaming Commission to regulate casino gaming operations; and imposes a wagering tax on gross receipts of casino gaming operations and provides for the distribution of 80% revenues to the Hawaiian Home Lands Trust and 20% to the State general fund.

"In January 2010, I was invited to visit the Tulalip Tribe in Washington State. My interest was to see what Federal Recognition has done for the Native Americans as it could do for native Hawaiians should the Akaka Bill see passage in Congress. During my visit at Tulalip, I discovered that although Federal Recognition has provided federal funding to the tribe, the Tulalip members debated and took steps to create gaming by building a facility to game Bingo. When their tribe was able to turn a profit, their revenues were used to build a casino. Immediately they saw results and raised enough money to build a resort connected to their casino. Today, their casino profits are over \$30 to \$50 million after operations per year. These revenues are allocated to the tribal fund, and in turn members of the tribe can request for funds through a transparent process for their educational, social, public safety, health, human services, judicial, housing, natural resources, economic development, cultural, tourism, water, renewable energy, broadband programs and infrastructure capital improvement projects. I've seen firsthand what gaming has done for their community. Furthermore, I admire their ability to empower their people by supporting their programs to fill their needs.

"What I experienced and saw firsthand inspired me to introduce legislation such as gaming on Hawaiian Home Lands and entertain a conversation about generating revenues for the Department of Hawaiian Home Lands Trust.

"During the early 1900's, concern about the plight of the Hawaiian people who had been displaced from rural to urban areas began to emerge as a result of the serious disruption in their traditional way of life. Out of concern for the declining numbers of full-blooded Hawaiians and the recognition that all previous systems of land distribution were ineffective, Congress entertained various homesteading proposals designed to rehabilitate the native Hawaiian people. Eventually, Congress enacted the Hawaiian Home Commission Act (HHC Act), creating land trust from ceded crown and public lands that were intended to rehabilitate the native Hawaiian people by making them eligible to receive the benefits of homesteading through leased land and related programs from the Trust.

"Title to the Hawaiian Home Lands vested in the United States until the Territory of Hawaii became a State on August 1, 1959, at which time the newly formed State of Hawaii entered into a compact with the United States to assume the management and disposition of the Hawaiian Home Lands. Hawaii Admission Act of March 18, 1959 together with the Hawaiian Homes Commission Act imposed upon the State the duties and obligations of trustee to oversee the operations carried out under the authority of the Hawaiian Homes Commission Act. Despite the Hawaiian Homes Commission Act's admirable goals, controversy plagued the Trust from its inception in 1921 and continued after its transfer to the State in 1959. The problems were of such magnitude that, in 1983, a Federal-State Task Force on the Hawaiian Homes Commission Act was convened.

"The Task Force submitted a report to the State that identified several areas of concern and made recommendations for improvement. The areas included, (1) problems with the Hawaiian Homes Commission Act itself that affected the Trust as a whole, involving, (a) the lack of an inventory of the Hawaiian Home Lands, (b) the lack of useable lands, (c) the lack of proper funding sources, and (d) the improper use/sale/exchange of Hawaiian Home Lands by the State and federal governments; and (2) administrative problems affecting individual beneficiaries, such as (a)

delays related to the application and eligibility determination process, and (b) delays resulting from mismanagement of the long waiting lists. Commencing in 1988, the State began its efforts to resolve the issues relating to the Trust.

"In 1988, the Hawaii State Legislature attempted to address the criticisms of the Hawaiian Home Lands program and provide redress to its beneficiaries through the passage of "The Native Hawaiian Judicial Trusts Relief Act," 1988 Haw. L. Act 395, later codified as HRS Chapter 673 (Supp. 1988). Act 395 provided a limited waiver of sovereign immunity for beneficiaries of the trust to bring suits, prospectively, for money damages relating to breaches of the State Trust responsibilities occurring after July 1, 1988. In addition, section 5 of Act 395 provided an unfettered right to sue for actual damages for past breaches of trust between August 21, 1959 and June 30, 1988 and directed that all suits must be brought prior to June 30, 1993. However, the Act also provided an opportunity for the Governor to present a proposal for resolution of such claims to accommodate the Attorney General's concern about the impact of such claims on the State treasury. In the event that the Governor failed to present such a proposal to the 1991 Legislature or the proposal was rejected, the right to sue provision would remain.

"The 1991 Legislature passed Act 323, entitled "Individual Claims Resolution Under the Hawaiian Home Lands Trust Act," which incorporated the compromised amendments to H.B. 895. Although H.B. 895 had proposed amendments to HRS Chapter 673, Act 323 was later codified as HRS chapter 674 which establishes the panel and a claims review process.

"In Chapter 674, it authorizes the Panel to review and evaluate the merits of claims brought by individual beneficiaries, render findings, and recommend monetary damages and other relief. After reviewing an individual's claims, the Panel is then required to render an advisory opinion to the Legislature regarding the merits of each claim, including an "estimate of the probable compensation or any recommended corrective action for legislative action.

"In 1993, the Legislature passed Act 323 because of delays in creating the Panel and extended the filing deadlines in chapter 674 as follows: (1) an additional two years for filing claims with the Panel; and (2) an additional three years to file written notice with the Panel that the claimant does not accept legislative action; and (3) an additional three years for filing an action suit in Circuit Court. The deadline for the Panel's final report to the Legislature was extended to 1994 to 1997. In 1994, the Legislature considered and approved the Panel's recommendation to dismiss the claims of two individual beneficiaries.

"Due to uncertainties regarding land titles arising out of claims related to Trust lands and breaches of the Trust that affected the Trust as a whole, Act 14, which was based on the Governor's Action Plan and Section 5 of Act 395, was promulgated by the 1995 Legislature. Act 14 expressly stated its intent to settle all retroactive claims, but left intact the Chapter 674 claims. Act 14 created a Trust fund to settle all title-related Trust claims arising from the State's misuse of Trust lands and precluded all retroactive claims, including those governed by HRS chapter 674, from creating clouds on existing land titles. Act 14 states that its effect was *res judicata* as to all retroactive claims, except for those claims related to federal government reparations, as well as Chapter 673 and Chapter 674 claims. Act 14 seeks to cure fiduciary breaches affecting the Trust as a whole, whereas Chapter 674 is preserved as the remedy by which individual beneficiaries can pursue claims against the State defendants for person loses or harm suffered through breaches of the State's fiduciary obligations between 1959 and 1988.

"The Panel reported that it had received 4,327 claims brought by 2,752 claimants prior to the August 31, 1995 filing deadline. The Panel stated that, of the 4,327 claims filed, 396 claims were closed and 3,931 had been accepted for investigation. The 1997 Panel Report also recommended damage awards for 162 claims, totaling approximately \$6.7 million.

"For many years, the Hawaiian Homes Commission Act was underfunded and unable to place many people on the lands as it did not have sufficient funding for infrastructure. Land that could have been used

for income-producing leases to pay for that infrastructure was improperly used, disposed of, or withdrawn from the trust by the Territory and the State. In recognition of this fact, and the hundreds of people thereby deprived of the opportunity for a leasehold, the Legislature passed Act 14, Special Session Laws of Hawai'i 1995. This Act committed \$600 million to the Hawaiian Homes Act, \$20 million per year for the next 30 years, to provide a "substantial, predictable funding mechanism" for the Commission.

"The panel's deadline was extended to 1999 but it was able to handle only a little over half of the claims in this time period. The Governor vetoed a bill to extend the life of the panel to finish addressing these claims. A group of claimants with unresolved claims filed a class action suit, Kalima vs. State of Hawaii, Department of Hawaiian Home Lands, asking for a right to present their cases directly to the court.

"First Circuit Judge Eden Hifo said in her decision in the 1999 Kalima vs. DHHL case that the plaintiffs provide by "clear and convincing evidence" breaches of trust that caused eligible Native Hawaiians to not be placed on the land – which itself is further breach of trust. Hifo said breaches of trust include not taking an inventory of lands, not maintaining proper financial records which among other things prevented DHHL from taking advantage of revenue bonds, and not acting to ensure the return of 29,000 acres of land, or "set asides" which had been removed from the Trust for government entities and private individuals, most before Statehood in 1959.

"I tell you all of this history because I am very concerned about the Department of Hawaiian Home Lands Trust. In our House Committee on Hawaiian Affairs and the House Committee on Judiciary, I asked the following questions regarding the waitlist, revenues vs. operating cost and their strategy to replace the \$30 million dollars that is appropriated each year by the Legislature due to Act 14, \$600 million dollar settlement which goes away in 2014. The Department of Hawaiian Home Lands stated that they have an estimated 25,000 plus on the waitlist with 100 to 200 qualified applicants place each month on the waitlist. They also reported that they generate an estimated revenue amount through their commercial leases, federal grants and other resources about \$13 million dollars. Their current operations cost \$22 million dollars per year. If you do the math, they are about \$9 million dollars short to break even.

"Now, it was reported that with the \$30 million appropriation each year, the Department of Hawaiian Home Lands are able to place from 500 to 1,000 beneficiaries onto their lands. However, I'm concerned about the triple rate that the waitlist has increased in the past five years which includes the \$30 million per year appropriations. Now, when 2014 comes and the Department of Hawaiian Home Lands doesn't have other generating revenues to cover that loss, we will be back to where we began in 1959 and many beneficiaries will never see the opportunity to own their home on Hawaiian Home lands. Not to mention the possible lawsuits in the near future that could occur because the State may not be able to reach their obligation to the Trust. The settlements could be horrendous and possibly bankrupt the State.

"This is why as the Chair of the House Committee on Hawaiian Affairs Committee, I felt compelled to introduce this gaming bill to seek the consultation of our native Hawaiian beneficiaries and find solutions to generating revenues for the Trust so the Department of Hawaiian Home Lands can fulfill the Hawaiian Homes Commission Act.

"Yes, gaming is controversial and many may say that it will attract social ills. However, I believe that we already have social ills and the State is having a hard time provide the resources so these critical services can function at a level where needs are met. Through controlled and successful strategy to provide gaming as a form of entertainment where we can raise revenues, I believe that it is possible with the right leadership and plan.

"House Bill 2759 affords a conversation with the Hawaiian Home Lands Beneficiaries and its Hawaiian Homes Commission to determine if whether or not they want gaming and if so, they will have an opportunity to discuss the location of the casino resort. This bill will not force the Department of Hawaiian Home Lands to do gaming, but provide them

with a mechanism to decide whether or not they want this option. My intention is to take it to the people to decide its fate. For these reasons, I support this measure and ask my colleagues to support it as well.

"And if the fate of our native Hawaiian Home Lands beneficiaries is not to use this mechanism to do gaming, then what is the alternative? I am open to listening to solutions offered in place of gaming. I encourage everyone to start talking to each other and tell us legislators what are the alternatives to generating revenues so we can help with public policy that will support your ideas."

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

Representative Awana's written remarks are as follows:

"Mr. Speaker, I stand in support with reservations. The Department of Hawaiian Homelands has concerns surrounding this measure. As I understand it, DHHL's position is that they need to have time to inquire with lessees. They are not supporting this measure. At this point, I have grave concerns for the exact same reasons. Lessees and beneficiaries should be informed before decisions are made affecting their rights and privileges to this land.

"At the same time, I understand the intentions of the Representative from Hana who introduced this measure. She has worked closely with Native American tribes. I believe she is seeking similar benefits that tribes have from generating gaming revenue for native Hawaiians. She has seen successes in Arizona, Montana and Washington State. Her heart is in the right place, but perhaps the timing of this bill is somewhat putting the cart in front of the horse. My hope is that with increased dialogue from all concerned parties, a coming to terms on this measure may be reached. 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. 2759, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GAMING," was referred to the Committee on Finance, with Representatives Aquino, Belatti, Berg, Ching, Finnegan, C. Lee, Manahan, Marumoto, Morita, Nishimoto, Thielen, Ward and Yamane voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 351-10) recommending that H.B. No. 2829, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2829, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 352-10) recommending that H.B. No. 1983, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1983, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

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

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

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

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

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

Representative Takai 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. With serious reservations, 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. 1983, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Keith-Agaran voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 353-10) recommending that H.B. No. 2023, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2023, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT," passed Second Reading and was referred to the Committee on Judiciary, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 354-10) recommending that H.B. No. 2549, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2549, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 355-10) recommending that H.B. No. 2657, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2657, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 356-10) recommending that H.B. No. 2805, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2805, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you. On Stand. Com. Rep. No. 356, briefly, I am in strong support. Thank you."

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

"Mr. Speaker, I'm standing in strong support on the same measure and will submit written comments. This is to assist the Civil Air Patrol. Thank you."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2805. Appropriating funds to the Civil Air Patrol would increase Hawaii's readiness in the face of the real and disastrous threat of a tsunami.

"Because of our location in the Pacific, Hawaii is vulnerable to hurricanes, volcanic eruptions, and earthquakes, which can all result in a devastating tsunami. The Civil Air Patrol volunteers are dedicated to providing Hawaii with a warning system to ensure the safety of our residents and tourists. Their unpaid service was proven valuable in 2006, when the islands of Hawaii, Maui and Oahu were rocked by an earthquake that measured a 6.7 on the Richter scale, leaving people in fear of their safety during a statewide blackout with little communication. The Civil Air Patrol volunteers sprung into action providing interisland communication that was an important part of the response effort to one of the largest natural disasters in Hawaii during this decade.

"For over 50 years the Civil Air Patrol volunteers have dedicated their time and resources to defending our security. Investing funds in this organization is really investing in the safety of our loved ones, our neighbors, our State, our *ohana*. 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. 2805, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 357-10) recommending that H.B. No. 2204, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2204, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 358-10) recommending that H.B. No. 2541, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2541, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 359-10)

recommending that H.B. No. 2937, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 360-10) recommending that H.B. No. 2603, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2603, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 361-10) recommending that H.B. No. 2899, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 362-10) recommending that H.B. No. 2630, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 363-10) recommending that H.B. No. 2217, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2217, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 364-10) recommending that H.B. No. 2831, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2831, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 365-10)

recommending that H.B. No. 2273, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2273, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. Thank you. May I have a ruling on a potential conflict? I'm a veteran," and the Chair ruled, "no conflict."

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to specify the conditions under which veterans qualify for a civil service hiring preference.

"Most National Guardsmen and Reservists did not serve on active duty for periods long enough to qualify for the Veteran's Hiring Preference. This has changed dramatically. Many of these enlistees have had years of service, usually on active duty, now are veterans in every sense of the word and deserving full consideration for hiring.

"Being a veteran means that an individual will bring discipline, formal training and leadership experience to the work place. It is important that the State and local governments have an opportunity to efficiently hire these personnel and gain the benefits of a skilled veteran.

"For these reasons, I support this measure and urge my colleagues to do the same. 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. 2273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 366-10) recommending that H.B. No. 2779, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2779, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Berg 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. 2779, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LEASES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 367-10) recommending that H.B. No. 2290, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2290, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I speak in support of HB2290. This bill supports the operations of the Department of Agriculture (DOA) and helps mitigate the negative effects by its recently completed reduction in force. Among other things, the bill would allow DOA to enter into agreements with government and private agencies to hire and pay temporary inspectors to perform certification and audit services. In addition it would establish new or increase certain existing fees to cover the operation and maintenance costs of agriculture inspection and certification programs via a two-tiered increase.

"Hawaii has been severely impacted by the decrease in services by plant and commodity inspectors. Although many of these tasks involved fees, there was also subsidization of associated costs from the general fund. Industry stakeholders recognize the dire state of the State budget, and testified to their willingness to evolve to a true fee for services structure to ensure the necessary certifications and inspections for their crops. This bill provides the means to move in this direction.

"Furthermore, papaya growers in my district testified that the IPP certificates produced by the DOA inspectors are crucial to reduce delays of present papaya shipments. In Hilo, DOA laid off two (2) full time ACMS, leaving only one part time ACMS. There is no alternate coverage if this person is sick or on vacation. The industry requires an ACMS to issue IPP Certificates on all shipments to Japan; HB2290 could help remedy this situation and prevent any interruption in exporting papayas to that country.

"The ability to move products in and out of the State, as well as interisland is critical to the vitality of the State's agriculture industry and its overall economy. HB2290 is a vehicle for DOA to provide its necessary services that are required in that regard and I am in strong support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 368-10) recommending that H.B. No. 2293, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2293, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

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

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 2293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.



Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 369-10) recommending that H.B. No. 2729, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2729, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 370-10) recommending that H.B. No. 2775, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2775, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 371-10) recommending that H.B. No. 2948, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2948, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Tsuji and Ito, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 372-10) recommending that H.B. No. 2409, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2409, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, with reservations on this please. And just a 'heads up' to the Finance Committee. Mr. Speaker, there's a right of first refusal in this bill, which means to the realtors such as Speaker Emeritus, they will know that that lowers the value of the lease. So that would mean less money coming into this State for leasing that property. I think I would ask the Finance Committee members to look at that because it means less money into our State coffers for leases in the future. Thank you."

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I am in support of HB2409. This bill encourages commercial aquaculture ventures in the State by providing favorable lease terms for public lands.

"Although the State Department of Land and Natural Resources opposed the measure, it is important to note that recent cuts to the Department of

Agriculture resulted in significant reductions to its Aquaculture Division. This bill would assist new enterprises by providing reasonable leases, thus making major investments more plausible and attainable.

"Aquaculture is a nascent business in Hawaii. Entities already vested in the industry stressed how this bill would be of benefit and would help them survive. This measure should go forward to House Finance as they could best determine the possible fiscal impacts - both negative and positive - in this economy. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am with reservations. During the hearing it wasn't clear by those testifying that this would have positive or negative implications with those wanting to regenerate the fish ponds as an option for aquaculture. 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. 2409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 373-10) recommending that H.B. No. 1818, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 374-10) recommending that H.B. No. 1778, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1778, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you. I rise in strong support for Stand. Com. Rep. No. 374-10. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1778, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WALKING TRAILS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 375-10) recommending that H.B. No. 1796, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1796, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"In strong support and I'd like to submit comments."

Representative Carroll's written remarks are as follows:

"In support of HB1796. This bill would place the Office of Hawaiian Affairs (OHA) in charge of establishing a Kupuna Honorary Degree

program that would give qualified *kupuna* the Pohaku Award, the Hawai'i equivalent of the Nobel Peace Prize. I firmly believe that our elders should be honored for their continued contributions to the community, whether social or cultural. However, I also recognize that the recession has impacted everyone and that OHA should be allowed flexibility in terms of the creation and implementation of this program. This being said, we should still support this endeavor and see this Honorary Kupuna degree program through. This is why I introduced the bill and urge my colleagues to support it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA HONORARY DEGREE PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 376-10) recommending that H.B. No. 2480, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2480, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PLACES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 377-10) recommending that H.B. No. 1926, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 378-10) recommending that H.B. No. 2441, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2441, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 379-10) recommending that H.B. No. 2901, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 380-10) recommending that H.B. No. 2984, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 381-10) recommending that H.B. No. 2318, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2318, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I raise the same potential conflict. I work at homeless shelter," and the Chair ruled, "no conflict."

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

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

"Just reservations for now, please."

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

"Thank you. I would like a no vote on Stand. Com. Rep. No. 381-10 for the reasons stated by the Representatives from Central Maui and Punchbowl when they were speaking on the previous bill relating to the homeless. Thank you."

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

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

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

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

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

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

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

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

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

Representative Thielen rose stating:

"Mr. Speaker, may I change my vote from aye with reservations to a no vote. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2318, 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 Belatti, Berg, Finnegan, Keith-Agaran, C. Lee, Luke, Marumoto, McKelvey, Nishimoto, Pine and Thielen voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 382-10) recommending that H.B. No. 2784, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2784, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, in support. In strong support, but with a request to the Finance Committee. Please raise the threshold to \$5,000. This would keep people with small actions able to go into Small Claims Court and represent themselves without having to go through the trouble. They couldn't even find an attorney, I don't think, to take a case with a claim that is only \$5,000. So I think it's more legitimate and it's a better use of our judicial resources. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2784, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 383-10) recommending that H.B. No. 2144, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2144, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations of H.B. 2144, Relating to Legislative Caucuses. This measure statutorily establishes the Joint Legislative Keiki Caucus and Joint Legislative Kupuna Caucus.

"I am in full support of the Keiki and Kupuna Caucuses—which is why I choose to be a member of these caucuses—however, the question must be asked: Should we then not establish all of our existing Legislative Caucuses in statute? The idea of democracy is to foster ideas from all people; it's a government of ideas for the people by the people. The Keiki Caucus and the Kupuna Caucus generate brilliant ideas from segments of the population focused on their specific missions, but let us not forget all of the other legislative Caucuses and ideas that exist and incorporate the diverse ideas that shine in the Hawaii State Legislature. Thank you."

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

"Thank you, Mr. Speaker. On the same measure, I'd like to rise and speak in support with some reservations. Thank you. This is the bill to create in statute the legislative Keiki Caucus and the legislative Kupuna Caucus. Mr. Speaker, as you are aware, I've served for many years as the

Co-Chair of the Keiki Caucus. In fact, ten of my first years I was Co-Chair, so with no disrespect for the Chairman and the members of the Keiki Caucus and the Kupuna Caucus, but my point here is that I think we set precedence. I don't know if it's dangerous, or if it's bad, or whatever, but I think we have to understand that we're setting some precedence here. We have a number of different caucuses in this House, as well as the other Chamber. We have a number of other initiatives generated and I do believe that they are very legitimate and important today.

"What this bill does it forevermore puts into statute the Keiki Caucus and the Kupuna Caucus. I do believe that we should let other Legislatures after us choose whether or not these issues are still important. And it's not to say that I don't support again the Keiki Caucus or Kupuna Caucus. I just don't think that it's appropriate from my perspective to put this into law. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, I rise with serious reservations because this is the second time I'm standing up, questioning this bill. The first time, I was accused of being against the Keiki Caucus. I am a member of the Keiki Caucus, and a member of the Small Business Caucus, the Veteran's Caucus, etc., etc.

"The question is, and why I spoke the first time was, let's see what Legislative Management does. The reason why I was standing up and you mistook me for speaking on the last bill is, I was trying to make sure that I saw the Committee Report to see if they discussed that, and what would happen to the rest of us. Do we become illegitimate, outmoded, or out of statute, or therefore out of touch with the rest of what otherwise the Keiki Caucus is doing?

"So I think the issue needs to be raised and I'm not sure the Finance Committee is going to be the final arbiter of this cause. It should have been Legislative Management, but we should have a decision as to what are we going to do with caucuses other than just this one that gets to be codified. Thank you, Mr. Speaker."

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

"Mr. Speaker, I will vote no. I definitely think that what we need to do is just set some kind of rule as to how we do this. There are some very important caucuses, so we should all know how to move forward. Thank you."

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

"Mr. Speaker, I just rise with reservations. I just don't see the Filipino Caucus in there so I am with reservations."

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

"Thank you, Mr. Speaker. I rise with reservations and may I have the words of the two previous speakers before me entered in the Journal as if they were my own? I just also have some constitutional concerns that we might be binding future Legislatures," 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. 2144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE CAUCUSES," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 384-10) recommending that H.B. No. 2447, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2447, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. Lately, there have been assertions made regarding the DBEDT and its Director that may be vindictive in nature. That being what it may, the reality is the out-of-state offices in Asia would be so adversely impacted that regardless of the outcome/verdict of any audit, be it with or without merit, the offices would be permanently damaged; as well as its reputation and its ability to serve its function. We should be sensitive to those specific environments. There must be a better way to achieve the purpose of the audit. In these formidable economic times the State Legislature must support DBEDT and not try to entangle one of our State's most important economic tools. Thank you."

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

"Thank you, Mr. Speaker. I know everybody's getting hungry and wants to go home, but on this issue here, I would like to vote with strong reservations on Stand. Com. Rep. No. 384-10, Relating to Out-Of-State Offices audit. The bill calls for an audit every two years. Management audits are very comprehensive audits, very expensive. There are many audits that we need to make and many management audits we need to make. I think every two years for a management audit is too often and too expensive, and really not needed. I hope the Finance Committee will consider that as they move along. Thank you."

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

"Mr. Speaker, I will vote no on this measure for the reasons stated by the speaker from Wailuku."

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

"Thank you, Mr. Speaker. A no vote for the same reasons as stated by Speaker Emeritus."

Representative Chang 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 for the reasons I stated the first time this came to the Floor. The breadbasket of tourism is waiting in China, and this is going to put it under the microscope. But those who want to seek revenge, let them wait for another few months and that particular individual who heads that particular department will no longer be there. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," was referred to the Committee on Finance, with Representatives Finnegan, Marumoto, Thielen and Ward voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 385-10) recommending that H.B. No. 2276, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2276, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 386-10) recommending that H.B. No. 2902, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2902, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EDUCATION GOVERNMENT TELEVISION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 387-10) recommending that H.B. No. 2983, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 388-10) recommending that H.B. No. 2061, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2061, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 389-10) recommending that H.B. No. 2408, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2408, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict on Stand. Com. Rep. No. 389. Television and the film industry is part of my career," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and report of the Committees was adopted and H.B. No. 2408, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand.

Com. Rep. No. 390-10) recommending that H.B. No. 2681, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2681, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

Representative Tokioka's written remarks are as follows:

"Mr. Speaker in strong support. As we heard this bill in the Committee on Tourism, Culture, and International Affairs, the testimony was overwhelmingly in support of this measure. We can look back at the last economic downturn in the early '90s and how the hotel construction tax credits helped areas in Waikiki, especially the Lewers St. corridor.

"I was on Kauai this week at an event and executives from the Kauai Marriott had mentioned to me, looking at the first draft of the bill, that it would most certainly give them the incentive to restart the project they had halted due to the economic slowdown. Prior to shutting down the project, 70 construction employees were working on that site and I know this is the exact type of outcome that we want from a tax credit bill like this.

"Thank you Mr. Speaker, for allowing me to submit written comments in strong support."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2681, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg and Choy voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and Hanohano, for the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 391-10) recommending that H.B. No. 2778, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 392-10) recommending that H.B. No. 2790, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.B. No. 2778, HD 1, and H.B. No. 2790, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. With reservations on both of these so-called fireworks bills. We need a statewide ban. And if I might say, I was very disappointed to see the Humane Society in the Gallery today; they have been conspicuously absent from the debate, as well the Health Department, the OEQC, and the Hawaii Medical Association. It's really pretty shameful. This is definitely a health issue. Children have been hurt. Adults have been hurt. Animals have been hurt. We need to do something about it. Thank you."

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

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.B. No. 2778, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused; and

H.B. No. 2790, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 393-10) recommending that H.B. No. 2294, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2294, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 394-10) recommending that H.B. No. 2558, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2558, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. Please record a no vote for me. This is a job creation bill that's proposed by the Governor. It totally doesn't make any sense at all."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2558, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JOB CREATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, Choy and Wooley voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Herkes, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 395-10) recommending that H.B. No. 2698, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No.

2698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 396-10) recommending that H.B. No. 387, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 387, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 397-10) recommending that H.B. No. 2266, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2266, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 398-10) recommending that H.B. No. 2718, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2718, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Judiciary, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Hanohano and Yamane, for the Committee on Public Safety and the Committee on Health presented a report (Stand. Com. Rep. No. 399-10) recommending that H.B. No. 1930, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1930, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

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

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

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

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

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

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

"Thank you, Mr. Speaker, in support of Stand. Com. No. 399. I appreciate the amendments from the Public Safety Chair, as well as the Health Chair. They actually added an additional layer of protection in this

measure for convicted felons. They will not be allowed to get medical cannabis. So this was actually an added protection because of the amendment that was placed by the Chairs. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Strong reservations."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 400-10) recommending that H.B. No. 2280, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2280, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"The same conflict as I mentioned earlier. I work at a homeless shelter," and the Chair ruled, "no conflict."

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

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

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

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

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

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

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

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

"Thank you Mr. Speaker, in support. Thank you. This is a similar bill to that which we had last year. And while I know it sounds a little, possibly impractical, there are many people who come to Hawaii who may not be aware of the high cost of living or the difficult economic situation. Some of them come over as a spouse, or a boyfriend or girlfriend, and then they break up and it was the other partner who provided the financial assistance. They then become homeless and they have no way to get back home. I know many people, again, feel that sounds draconian, but it's a way to provide some people who may want to go back home the means to return home where they have family and other support structures. So hopefully I ask my colleagues to keep the discussion going. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in opposition with some comments. I have the highest esteem for the Representative from Kaneohe-Kailua. There are programs right now that are available for the homeless who seek those desires. If people do need help, there are programs out there right now. Any individual can seek those social workers and various health care professionals willing to work tirelessly to get them to where they need to be. I think, and again I spoke on this matter before, that if you have a program that automatically provides people with a plane ticket home, people will go to the program of least resistance. Thank you."

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

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

"Reservations for me, Mr. Speaker, for now. Again, I think the unintended consequences of raising the Conveyance Tax will also lead the counties in this case, if they have to do matching funds, it will lead to an increase in property taxes as well. Thank you."

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

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

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

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

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

"Thank you, Mr. Speaker. A no vote. Just really briefly, regarding the homeless problem. We have to take responsibility for it, and I object to the part that we are going to force the counties to provide matching funds. Thank you."

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

"Mr. Speaker, with reservations. The aspect that I'm concerned about is if we get in a sort of war of dumping our homeless with other states, if we get into a war like that with California, we're going to be swamped with homeless and they're going to hardly notice that we send anybody to them at all. So that's my concern. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2280, 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 Belatti, Berg, Ching, Finnegan, Keith-Agaran, C. Lee, Luke, Marumoto, McKelvey, Nishimoto, Thielen, Ward and Yamane voting no, and with Representatives Bertram, Cabanilla and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 401-10) recommending that H.B. No. 1942, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1942, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am in strong support and will submit written comments."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to establish a temporary Hawaii Veterans Court within the Judiciary to help address prison overcrowding.

"Veterans Court is uniquely positioned to identify veterans who have combat related mental health and substance abuse conditions. The court is designed to connect these veterans to a broad array of treatment and support services while strictly monitoring their rehabilitation progress. Upon completion, the graduate will develop into a law abiding citizen.

"Physical injuries are easy to identify and treat, but the injuries of war are not always physical or visible because exposure to combat can often cause damage to the emotional and mental state of returning service members.

"I have witnessed first-hand the devastation to our soldiers and their families when they turn to drugs or abuse various substances. In many instances, their substance abuse is compounded by combat stress related conditions like Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, etc. Lives that have honorably served our country during the war disintegrate and are shattered when they return home and are not helped. We owe our soldiers better.

"Hawaii's Judiciary has achieved significant success in problem solving and treatment courts that rehabilitate offenders, reduce incarceration costs, and ensure public safety. The Hawaii Veterans Court will be the only Veterans Court in the nation to expand and enhance services to target National Guard and Reserve soldiers. With the Iraq and Afghanistan wars, 30 percent of the troops are National Guard and Reserve soldiers. Once these soldiers return, their experience with reintegration into civilian life is vastly different than active duty soldiers and warrants tailored solutions.

"For these reasons, I support this measure and urge my colleagues to do the same. 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. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS COURT," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 402-10) recommending that H.B. No. 2752, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2752, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 403-10) recommending that H.B. No. 2377, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2377, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am in opposition. Thank you, Mr. Speaker. I'll try to keep this really short. This bill is the bill that accompanies the constitutional amendment for the Board of Education being appointed. It has always been my preference to have this directly under the Governor; an appointed Superintendent without a Board. The reason why I would like to see this and am in favor of this is because of the accountability issue that we were talking about. This sets up a council that is to recommend people to be Board members who would then be selected by the Governor. The council will be appointed by the Governor, the Senate, the House of

Representatives, the Parent Teacher Student's Association, HSTA, Hawaii State Student Council, and the Hawaii Business Roundtable.

"Mr. Speaker, I think we're all talking about the accountability issue. How do you have accountability when you have another council? I know it's modeled after some other things, but truly this is about trying to get the control to the school level so they can create their priorities, and then fund them so that they can make the decisions. This sets up another system for pointing the finger at someone else throughout the process. I just really, really don't like this idea. I'd rather have the idea that we empower people at the school level because in the end, those are the people who will make the hard choices, and will be able to convince the others at the school level what's important to them. Especially for teachers and especially for principals who have to live with these decisions.

"Mr. Speaker, we had a bill that came on the Floor the other day and it was because the Board of Education could not make a decision. They had to bring it to the House of Representatives. It was about restricting ice cream and candy. That should show us, Mr. Speaker, that we've got to give this control to the school level, and then if something goes wrong, we have one main person or the Governor to hold accountable. The Governor can easily say, 'Well this council didn't give me people that I wanted.' Mr. Speaker, I feel for these teachers and these students and these principals. Can we please, please give them direct responsibility and accountability for our school system. Thank you."

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

"Yes, Mr. Speaker. I wish to vote no on this measure and I would like to incorporate the same speech I made for the constitutional amendment with this particular measure. But I also wanted to add that this rush to change I think, is very ill-timed. I think it's too rapid. If there's any weakness in the Board, and there certainly is some right now, I think we can share in the weakness. Years ago, we gave the Board policy-making powers through a constitutional amendment, however we continue to make policy for them and eventually they have become so accustomed to us making policy for them, that they don't make any themselves.

"So I think as we begin to fault the Board, I think we need to take a good look in the mirror ourselves, and think about how we got so involved in the policy-making of the Board of Education. Our role was not to make policy, and it is not to make policy. But I think that even if you put all the change in the system right here, it'll still be the same. This Body will continue to make policy and you will still have the same problem. The only way you can have an accountable Board of Education system is to make them elected, provide them eventually with some taxing powers where they could be accountable, fully accountable, to the public. Otherwise, you'll continue to have the same problem. Believe me. Thank you."

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

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

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

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

"Mr. Speaker, thank you. I rise in support and to reassure my colleagues that this is a work in progress. Since it left the Judiciary Committee we still continue to work on it. I think actually the concerns of all of our Representatives will be addressed as the draft comes out of Finance, and even then there's still a long way to go on this. I think you'll be happy with the resonance of your concerns."

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

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you, Mr. Speaker. I mentioned some of my concerns in the constitutional

amendment bill, but I'm even more convinced now that the earlier bill actually needs to be changed because this bill has the language for the student member on the top of page 2.

"So here's my concern, and I raised it earlier and I thought we were going to fix it. I do understand that this is a work in progress, and I do support an appointed Board. In fact I've supported that for quite awhile. Quite a while. And I do believe that we have vetted this issue for decades now. I think the Members of our Body understand that the last time this went before the public was in 1994, and since then we have numerous Committee hearings and even Floor discussions regarding an appointed Board of Education.

"However, Mr. Speaker, I don't think this proposal in front of us comes even close to what we have done with the Board of Regents at the University of Hawaii. Just one point, and one very important point is that there is no residency requirements for any member of this proposed appointed Board. Now one may argue that the Selection Commission will, in their wisdom, choose the right people. And maybe two of them will be from the Big Island, and two from Maui, and one from Kauai and four from Oahu, but my fear is this. Maybe they will choose all 9 of them from Oahu. I just don't want to be part of this Body in passing this measure when that happens because I do not believe that is our intent. I do believe that the intentions of this Body and of the people that support an appointed Board is actually to make sure that representation is not equal, but fair throughout the entire State. I do hope that as the Finance Committee takes a look at this, and the Senate takes a look at this, that we will once and for all resolve this concern. 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. 2377, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Finnegan, McKelvey and Souki voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 404-10) recommending that H.B. No. 2003, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2003, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Mr. Speaker, I also rise with a no vote with good intentions in this bill for campaign finance reform, but there's three poison pills in there. One is to increase mainland contributions to 30%. The other is to remove language specifying the conditions under which contributions from State and county contractors are prohibited. And third, removing language limiting contributions to non-candidate committees. For those three reasons, this is even worse than the bill we had the other day that didn't even get a hearing on the Floor. Thank you."

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

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

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

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

"Mr. Speaker, a no vote and just short comments. Thank you, Mr. Speaker. On Stand. Com. Rep. No. 404, this bill is supposed to be a recodification and Campaign Spending that has been coming back, year after year, wanting to make sure that we have this recodification because they feel that it's important. They had a committee that helped get the language in there that said it wasn't going to be substantive. We keep on mixing up the substantive into a recodification bill, which in turn harms. It's like using this tool to try and pass something that nobody wants.

"Mr. Speaker, let's not do that any further. Let's keep House Bill 2003 as a recodification to help Campaign Spending clarify and make those amendments, and if you want to be and do what you want to do for relaxing campaign spending reform and you want to do it in 204, then it will be a clearer vote for the people of Hawaii on where you stand. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Finnegan, Pine, Rhoads, Saiki and Ward voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 405-10) recommending that H.B. No. 2004, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2004, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

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

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

Representative Berg rose and asked that the Clerk record a no vote 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. 2004, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, Ching, Finnegan, Pine, Rhoads, Saiki and Ward voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 406-10) recommending that H.B. No. 415, as amended in HD 1, be recommitted to the Committee on Public Safety.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 415, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was recommitted to the Committee on Public Safety, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 407-10) recommending that H.B. No. 2427, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Cabanilla and Takumi being excused.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 40) and concurrent resolutions (H.C.R. Nos. 84 through 89) were referred to Printing and further action was deferred:

H.R. No. 40, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY AS "HAWAII-GROWN CACAO MONTH"," was jointly offered by Representatives Ching, McKelvey, Berg, Carroll, Magaoy, Marumoto, Nakashima, B. Oshiro and Takumi.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES WITH THE ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE THE BOATYARD ADJACENT TO THE STATE PIER AND TO ADDRESS PERMITTING AND USE CONFLICTS, AT HANAIEI, KAUAI," was offered by Representative Sagum, by request.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE FEASIBILITY OF ESTABLISHING AN AMBULANCE DISPATCH CENTER ON THE WEST SIDE OF KAUAI, BASED IN KALAHEO," was jointly offered by Representatives Sagum, Morita and Tokioka.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF KAUAI TO RESTORE PRINCE KUHIO PARK TO ITS FORMER CONFIGURATION," was jointly offered by Representatives Sagum, Carroll, Chang, Hanohano, Morita, Karamatsu and Tokioka.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE WEEK THAT INCLUDES AUGUST 24TH AS SURF WEEK IN HAWAII," was jointly offered by Representatives Sagum, Awana, Carroll, Chang, Hanohano, Ito, Mizuno, Morita, M. Oshiro, Shimabukuro and Tokioka.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was jointly offered by Representatives Sagum, Awana, Chang, Mizuno, Shimabukuro, Tsuji, Chong, Ito, Karamatsu and Magaoay.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY AS "HAWAII-GROWN CACAO MONTH"," was jointly offered by Representatives Ching, McKelvey, Berg, Carroll, Magaoay, Marumoto, Nakashima, B. Oshiro and Takumi.

#### ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. First, I guess I'll announce that it's the birthday of our 16th President today, Abraham Lincoln, who would have been 201 today, his bicentennial being last year. You know he was a great man as we all know, but I don't know how many people know that he was a poet and an inventor, as well as someone who's considered one of the greatest Presidents in our history. He was the founder of the Republican Party who stood by the idea that you cannot tear down people of merit if you want everyone to rise.

"Secondly, I do want to talk about what you have on your desk today. I had the great pleasure and the privilege to go to the Haleiwa Chocolate Festival held a few weeks ago, and I might add that it was sold out. It was completely sold out within hours. It was sold out for many of the vendors and it seems to be a trend that chocolate is selling out almost everywhere. And if you go on the website which is coming out, you will know that February is the chocolate month of consumption. You'll find out that all over the world and preferred destinations in some cases, chocolate festivals have over 700,000 attendees.

"But right here you have locally born and raised here, our little Waialua Chocolate. There's a picture of a little pod there. Rooted here in the soil of Hawaii, baked in the sun, but sold to San Francisco to become refined or whatever, and then brought back to be enjoyed by us all. So that is locally grown chocolate and I hope that you will take a look at it and you enjoy it. I'm sorry I couldn't give you more, but it's really expensive this year. It's the rarest chocolate in the world. I usually give you a bunch, but it's budget cuts, right? Anyway, Happy Valentine's Day."

Representative Ward: "Mr. Speaker, February 12 is Independence Day for Chile. They will be coming here for APEC. They're a member of APEC with the US and in November, 2011, they shall arrive. They were independent from Spain in 1818. They don't export chocolate, but the 6th largest of wine in the world, and some of us buy and eat grapes, and we get a lot of Chilean grapes during the offseason. Thank you."

Speaker Say: "Representative Takai, I've talked to the Clerk about it. We'll do it later.

"The Chair would like to apologize, for the discussion with one of our Members."

At 1:28 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:29 o'clock p.m.

#### ADJOURNMENT

At 1:30 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Tuesday, February 16, 2010. (Representatives Bertram, Cabanilla, Chang, Herkes, Ito, Manahan, Morita, Nishimoto, Souki, Takumi and Yamane were excused.)