

## FOURTEENTH DAY

**Wednesday, February 9, 2011**

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:04 o'clock p.m., with the Speaker presiding.

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

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

## INTRODUCTIONS

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

Representative Marumoto introduced Mr. John Russell and Ms. Genie Bourne from Connecticut.

At 12:10 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 128) recommending that H.B. No. 1093, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1093, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 129) recommending that H.B. No. 1096, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1096, entitled: "A BILL FOR AN ACT RELATING TO MOPED INSTRUCTION PERMITS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 130) recommending that H.B. No. 1098, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1098, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 131) recommending that H.B. No. 1101, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 132) recommending that H.B. No. 1102, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 1101, HD 1; and H.B. No. 1102, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in support of the Stand. Com. Rep. No. 131 with reservations, stating:

"Mr. Speaker. You are just so fast today. I'm standing with reservations on SCR 131 which almost doubles the State registration fee."

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on two of these measures. Stand. Com. Rep. Nos. 131 and 132. And these are raising fees and taxes. Thank you."

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

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, I am in opposition of these two measures and with one brief comment. I'm not proud to say it, but I drive a 1990 vehicle and already pay almost \$275 to get it registered. With this, it's going to go off the chart. This is not a good time to do this, Mr. Speaker. There's a lot more people who drive older cars than I do. Thank you."

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

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

Representative Fontaine rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Pine rose to speak in support of both measures with reservations, stating:

"I do want to include my reservations also on SCR 132, and also I just wanted to do another brief sentence if possible. Basically we're doubling all these fees which is going to be detrimental to a lot of the people in my community who are just getting by. But the reason we're doing this is to help the State Highway Fund. The State Highway Fund is the very fund that the Legislature raided over \$250 million from.

"So I hope this is a great example for all of us as we look at other funds to raid this year to balance the State budget to really understand the consequences of the actions that we may have to take in the future because of it."

Representative Awana rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I also stand in reservations on Stand. Com. Rep. Nos. 131 and 132. I'd just like to echo or adopt the words from the Representative from Ewa Beach. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 1101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Finance,

with Representatives Fontaine, Marumoto and Ward voting no, and with Representative Ito being excused; and

H.B. No. 1102, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine, Marumoto and Ward voting no, and with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 133) recommending that H.B. No. 231, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representatives Tsuji and Nishimoto, for the Committee on Agriculture and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 134) recommending that H.B. No. 1273, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 135) recommending that H.B. No. 1380, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1380, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," passed Second Reading and was referred to the Committee on Education, with Representative Ito being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 136) recommending that H.B. No. 927, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 927, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 137) recommending that H.B. No. 874, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 874, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 138) recommending that H.B. No. 383, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM

OVERSIGHT COMMISSION," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Ito being excused.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 139) recommending that H.B. No. 568, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 568, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 568, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 140) recommending that H.B. No. 1243, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," passed Second Reading and was referred to the Committee on Health, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 141) recommending that H.B. No. 225, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 225, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations and a very brief note that there should be caution lights flashing all over this bill because it says, anybody who's going to sell a piece of land has got to get a historic preservation study done to it. The real estate industry has yet to realize the implications of this. And it's something that really needs a lot of cautious examination and discernment before we pass it. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 142) recommending that H.B. No. 921, pass Second Reading and be referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND USE," passed Second Reading and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 1154, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1154, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 144) recommending that H.B. No. 1223, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1223, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWA ISLAND RESERVE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 145) recommending that H.B. No. 1271, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1271, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like to cast a no vote on 145 and just have a few words. Thank you. This measure temporarily diverts 50% of the Public Service Company Tax revenues that are realizations of the county in which the tax revenue is generated to the general fund.

"The concern I have is that Public Service Company Tax collections for all counties totals \$73.5 million. And if this measure is adopted, the counties would receive only about \$37 million. So you know very well what that means. We're putting the counties into a position that they're going to have to raise property taxes, and that has quite an impact on all of us on all islands. Thank you."

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

"Mr. Speaker, I'm a 'with reservations' on this measure and I'd like to point out that the 1978 Constitutional Convention gave the power to the counties to control their property tax assessments and rates. These public utilities pay the Public Service Company Tax in lieu of a property tax. And so I think it's unconstitutional for us to scoop some of the money from their revenues. Thank you."

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

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

"Yes, Mr. Speaker. I'm voting with reservations. I'll be watching this bill as it goes on to the Finance Committee and see what happens. Thank you."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1271, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no, and with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 146) recommending that H.B. No. 545, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 545, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I have slight reservations. I was just concerned about a security risk about online registration. The good news is you have to put down the last four digits of your social security number. The bad news is you only have to put down the last four numbers of your social security number. So I don't know whether it would be more secure if we used all the numbers. Anyway, I would like to learn more about this measure as it proceeds. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 147) recommending that H.B. No. 952, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 952, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 952, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Second

Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 148) recommending that H.B. No. 465, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 465, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 465, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 149) recommending that H.B. No. 1077, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1077, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I have reservations on 149. And if you could just bear with me for one moment, I have brief comments. Thank you. I'm concerned about the provision that states that the Director shall have the discretion to determine the amount of the increase in the Employment and Training Assessment rate. I just am very concerned about leaving that discretion up to the Director. Thank you."

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

"Mr. Speaker, also with reservations. Although this could be only a one-time increase in the Employment and Training Tax, it is a percentage of the Unemployment Insurance Tax and we raised the taxable wage base from \$1,300 to \$3,400 last Session and so the Unemployment Insurance Tax and this up along with it. Even though it's .01% it could go up at the discretion of the Director. There's no cap on this increase so I would like to address this further when it hits the Finance Committee."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 150) recommending that H.B. No. 505, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 505, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I stand in strong support and ask that written comments be entered into the Journal," and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support. At a time when our State is faced with an economic crisis where the focus is money, we must not forget the safety of people's lives. HB505 addresses these concerns as they relate to a community that has been neglected – time and time again.

"Earlier last month, flooding took place in Lualualei Valley and Farrington Highway in the Waianae Coast leaving residents stranded once again. This measure will address the hazard that continues in this region through a working relationship with the State Department of Defense who will be seeking federal money to mitigate flooding. The portion that will be requested is the matching portion that is needed from the State to ensure that flooding in crucial areas are addressed. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD MITIGATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 151) recommending that H.B. No. 1312, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1312, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 1566, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1566, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 153) recommending that H.B. No. 1605, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1605, entitled: "A BILL FOR AN ACT RELATING TO FLOOD INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 154) recommending that H.B. No. 838, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 838, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 862, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 862, entitled: "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 156) recommending that S.B. No. 232, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 232, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

At this time, the Chair addressed the Body, stating:

"Since we will have a lively discussion on Third Reading, the Chair would like to recommend that if you want to record a no vote, at this point you may. But the debate should occur on Third Reading if I may ask your indulgence to all of you. So if are there any no votes that Members would like to cast, please do so at this point in time. Please stand."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 232, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Awana, Chang, Ching, Choy, Cullen, Fontaine, Har, Johanson, Manahan, Mizuno, Riviere, Souki, Takai, Tokioka, Tsuji, Ward and Yamane voting no, and with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 308, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 158) recommending that H.B. No. 309, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 159) recommending that H.B. No. 389, as amended in HD 1, be recommitted to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 389, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was recommitted to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 160) recommending that H.B. No. 344, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education, with Representative Ito being excused.

#### SUSPENSION OF RULES

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

### THIRD READING

#### H.B. No. 258, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 50 ayes, with Representative Ito being excused.

At 12:39 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 258, HD 1

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 31 and 32) were read by the Clerk and were disposed of as follows:

H.R. No. 31, entitled: "HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE, INCLUDING THE OPERATING PROCEDURES FOR THE SELECT COMMITTEE ON STANDARDS OF CONDUCT," was jointly offered by Representatives B. Oshiro and Ward.

Representative B. Oshiro moved that H.R. No. 31 be adopted, seconded by Representative Evans.

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

"Mr. Speaker, I rise in very strong support of this historic Resolution. And I'm glad that Blake and I are the co-sponsors of this."

The Chair addressed Representative Ward, stating:

"Representative Ward, could you mention the Representative from the district he represents?"

Representative Ward continued, stating:

"The Majority Leader I would prefer, Mr. Speaker. And it's not only historic, but it's something that is going to have a long impact into our future. Our Caucus felt very strongly that we should preserve this 200 year tradition for not only this Body, for the nation, and what's been going on for decades, years, and years. We worked very hard together.

"I appreciate what the Majority has done, Mr. Speaker, and what you have done. We've come out with a very good piece of language to make what otherwise was a, I'm not sure what the rationale for what the Senate did, but I think it's a proud day for the House and it's a proud day to know, Mr. Speaker, that there is freedom of speech here. There is no church of America. There's no church of Hawaii, and there never will be a church of this Legislature. But we'll continue to ask for guidance because the bottom line is, we all have clay feet, we're weak, we need another power. We need guidance and we need help. So thank you, Mr. Speaker, and thank God that you're still welcome here."

The motion was put to vote by the Chair and carried, and H.R. No. 31 was adopted, with Representative Ito being excused.

H.R. No. 32, entitled: "HOUSE RESOLUTION ADOPTING THE HOUSE ADMINISTRATIVE AND FINANCIAL MANUAL OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 32 was adopted, with Representative Ito being excused.

By unanimous consent, the following resolution (H.R. No. 30) and concurrent resolution (H.C.R. No. 37) were referred to Printing and further action was deferred:

H.R. No. 30, entitled: "HOUSE RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, ACADEMIC, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was jointly offered by Representatives Takai, Awana, Brower, Carroll, Evans, Hashem, Johanson, C. Lee, Manahan, Mizuno, Nishimoto and McKelvey.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, ACADEMIC, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was jointly offered by Representatives Takai, Awana, Brower, Carroll, Evans, Hashem, Johanson, C. Lee, Manahan, McKelvey, Mizuno and Nishimoto.

#### ANNOUNCEMENTS

At 12:42 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Awana, for the Committees on Human Services and International Affairs requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing with decision making to follow on H.B. No. 871, Relating to the Uniform Interstate Family Support Act, on Thursday, February 10, at 10:30 a.m. in Conference Room 329, and the Chair "so ordered."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing H.B. No. 1077, HD 1, on Thursday, February 10, at 2:00 p.m. in Conference Room 308, and the Chair "so ordered."

"Requesting the waiver to help facilitate the implementation of this measure as soon as possible. Before March 1st if possible."

Representative McKelvey, for the Committee on Economic Revitalization & Business requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making only on H.B. No. 1651, Relating to Shipboard Gambling, on Thursday, February 10, at 11:00 a.m. in Conference Room 312, and the Chair "so ordered."

Representative Ching: "I believe that this afternoon there is the Save Our Doctors lunch that you all were given notices for. I would just like to remind the Members of the Save Our Doctors luncheon. Thank you."

#### COMMITTEE REASSIGNMENTS

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

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

#### ADJOURNMENT

At 12:45 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 10, 2011. (Representative Ito was excused.)