



**HAWAII STATE  
HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2009**

***ROUGH DRAFT  
JOURNAL***

**FIFTEENTH DAY**

**FEBRUARY 12, 2009**



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## FIFTEENTH DAY

Thursday, February 12, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Jonah Kuhio Kalaniana'ole Ka'auwai, after which the Roll was called showing all members present with the exception of Representatives McKelvey, M. Oshiro, Takai and Takumi, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journals was dispensed with and the Journals of the Eighth, Ninth and Tenth Days were approved. (Representatives M. Oshiro, Takai and Takumi were excused.)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 5 and 6) were received and announced by the Clerk:

Sen. Com. No. 5, transmitting S.B. No. 281, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," which passed Third Reading in the Senate on February 11, 2009.

Sen. Com. No. 6, transmitting S.B. No. 412, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on February 11, 2009.

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 M. Oshiro, Takai and Takumi were excused.)

S.B. No. 281  
S.B. No. 412

## DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 56) was received by the Clerk and was placed on file:

Dept. Com. No. 56, dated February 6, 2009, from David McClain, President, University of Hawaii System, transmitting the Annual Report on the University of Hawaii's Continued Participation in the Western Interstate Commission of Higher Education (Section 304A-3205, Hawaii Revised Statutes) as requested by the Legislature.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referral</u>
44	Committee on Energy & Environmental Protection
45	Committee on Tourism, Culture, & International Affairs
46	Committee on Higher Education, then to the Committee on Tourism, Culture, & International Affairs
47	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance

48 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education

49 Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization, Business, & Military Affairs

H.C.R.  
No. Referral

56 Committee on Energy & Environmental Protection

57 Committee on Tourism, Culture, & International Affairs

58 Committee on Higher Education, then to the Committee on Tourism, Culture, & International Affairs

59 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance

60 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education

61 Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization, Business, & Military Affairs

62 Committee on Housing, then to the Committee on Finance

63 Committee on Housing, then to the Committee on Finance

## COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
231	Committee on Public Safety, then to the Committee on Finance
397	Committee on Public Safety, then to the Committee on Judiciary
398	Committee on Public Safety, then to the Committee on Judiciary
603	Committee on Finance
657, HD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
866	Committee on Transportation, then to the Committee on Judiciary
1130, HD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
1289, HD1	Committee on Labor & Public Employment, then to the Committee on Finance
1359	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
1428, HD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1525, Jointly to the Committee on Human Services and the HD1 Committee on Health, then to the Committee on Finance

1625 Committee on Finance

At 12:11 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

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

### STANDING COMMITTEE REPORTS

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 193) recommending that H.B. No. 1818, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1818, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," passed Second Reading and was referred to the Committee on Hawaiian Affairs, with Representative Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 194) recommending that H.B. No. 1487, as amended in HD 1, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1487, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Hawaiian Affairs, with Representative Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 195) recommending that H.B. No. 688, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 688, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 196) recommending that H.B. No. 1635, 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. 1635, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1635, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary with Representative Ward voting no, and with Representative Takai being excused.

Representatives Hanohano and Mizuno, for the Committee on Public Safety and the Committee on Human Services presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 1192, 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. 1192, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

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

Representative Pine rose and asked that the Clerk record 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1192, entitled: "A BILL FOR AN ACT RELATING TO MARIJUANA," passed Second Reading and was referred to the Committee on Judiciary with Representative Ward voting no, and with Representative Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 198) recommending that H.B. No. 1585, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1585, HD 1, pass Second Reading and be referred to the Committee Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

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

"Mr. Speaker, I think this is Internet taxation for hotel reservations. I'm going to be voting in opposition to this measure. I think it's just another permutation of Internet taxation, and I think it's not a good idea to tax Hawaii reservations, since we might look a little bit more expensive than other places if it's listed with the total price.

"I also am confused about this. I would like to collect more information on it, but if indeed the tax is paid here, when people check out, then perhaps we don't need this Internet tax in that case. So, I will be watching this as it progresses to Final Reading. Thank you."

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

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

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

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

Representative 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. 1585, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF ONLINE TRAVEL COMPANIES," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs with Representative Marumoto voting no, and with Representative Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 199) recommending that H.B. No. 1364, 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. 1364, pass Second Reading and 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'm rising in opposition with comments. Thank you, Mr. Speaker. On HB 1364, this bill requires the Governor or the Director of Finance to report restrictions of appropriations to the legislature. The part that I'm bothered with is the remaining part of the bill, which is, 'and failure to issue such reports would result in immediate release of such funds to the legislature.'

"It would be unwise for us to force spending, regardless of budgetary considerations and restrictions. The Governor is in the Constitution, tasked with maintaining a balanced budget. And it was also brought up in Committee that it's unclear how funds could be released without the Governor's approval to release them. So, Mr. Speaker, I'm in opposition to this bill."

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

"Thank you, Mr. Speaker. I'd like to add my opposition to that. And Mr. Speaker, as stated by our Republican Leader, I think this an unwise step, and it's probably unconstitutional."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered into the Journal as her own, 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 an aye vote with reservations for him, and the Chair "so ordered."

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

"I'd like to stand in support of this measure. This bill is merely a disclosure bill. It's a bill for transparency in our government, which our Governor said she would do, Mr. Speaker. It does nothing more than just

make government more transparent. So, if transparency is what the people want, this bill will do it. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In short rebuttal. Mr. Speaker, we pass out all the bills and a budget at the end of the Session, and if we wanted transparency, as a Legislature, we would do the same. We would add up all the bills that have fiscal implications, and we would attach them to the budget, and we would give a clear, transparent way of seeing what we're passing out to the public, so they could see what we're doing with our finances. But we don't. I know for the Minority, we don't get to see that"

Representative B. Oshiro rose to a point of order, stating:

"A point of order, Mr. Speaker. The current speaker isn't talking about the bill before us. She's talking about the budget bill. That's a different bill."

Representative Finnegan responded, stating:

"Mr. Speaker, I disagree. This has to do ..."

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, let me make that decision. The Majority Leader has stated that you're addressing it from a budgetary point of view, on disclosure and transparency. Can you confine your remarks to them? The transparency and disclosure of what this bill is all about, on the expense side."

Representative Finnegan continued, stating:

"Yes, Mr. Speaker. Mr. Speaker, in regards to transparency and disclosure, we can do a better job of being transparent with the public. And if we are going to require these things that actually handcuff the Governor from balancing our budget by having these types of consequences to not reporting, I think that is unwise. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. A brief rebuttal as well. It was stated by a Majority member that this was just an effort to be transparent. It's much more than that, Mr. Speaker. It will force spending. And it will force spending, regardless of whether or not we will keep a balanced budget, as required by the Constitution. So, the bill has much broader ramifications than just being transparent. Transparent would be adding the budgetary addition to every single bill with a budget implication, and we consistently have put in such legislation. Thank you."

Representative Pine rose to respond, stating:

"Yes, Mr. Speaker. Again in opposition and rebuttal. Really, what this bill does is we're usurping the power of the Governor, really by, as the previous speaker says, forcing certain budget matters that have been typically been given to every single Governor before our current Governor. And so, this really continues a long-standing tradition of the last seven years of this Legislature taking powers away from this particular Governor."

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

"Mr. Speaker, I rise in support. This bill requires the Governor to provide a quarterly report to the legislature on all appropriation restrictions within 30 days after the close of each allotment period. This bill also requires that if restrictions are not reported, appropriations must be immediately released.

"Mr. Speaker, I believe that if you look at a CEO of a company, they know the bottom line on a regular basis, month to month. They get reports. They know where the money's at. They know where the *pukas* are. They know how money's being spent. I do not feel this is

unreasonable, because the reality is, our Governor is like a CEO of a company. They have to stay on top of all of this.

"I think that the Representative who introduced the bill, as well as stood up and spoke in favor of it today, really understands the fact that companies have to know their bottomline all the time, and they have to spend money to make their programs effective. I really encourage everyone to support this. Thank you."

The Chair then addressed the body, stating:

"Members of the House, we've had a lot of discussion on this matter on Second Reading. This measure will be referred to the Committee on Finance. At that point when this particular measure is heard, these types of questions in regards to what you have stated on the Floor will be addressed by the testifiers from the Administration."

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

"Thank you, Mr. Speaker. With reservations, and I'll try to be brief. I'm all for the transparency portion of this bill, so I'm for the bill and speak with reservations.

"My reservation is that if the Governor fails to report a restriction, and she's constitutionally allowed to do this, then the money is released. And that release is in contravention to the Constitution. So, therefore, I would hope that the next Committee would take a look at this particular provision very carefully. Thank you very much."

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. 1364 - Relating to the Budget. I don't believe this bill is fiscally prudent. Now is not that the time to propose a law that will hamstring the Executive Branch from carrying out its responsibility of balancing the budget. This bill could force spending regardless of budgetary considerations and restrictions by the Constitution in maintaining a balanced budget. At this time, it would not be sapient to pass this legislation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1364, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Pine and Thielen voting no, and with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 200) recommending that H.B. No. 791, 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. 791, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 201) recommending that H.B. No. 1508, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1508, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 202) recommending that H.B. No. 779, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 779, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Tsuji and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 203) recommending that H.B. No. 1684, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1684, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Transportation, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 204) recommending that H.B. No. 1390, 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. 1390, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 205) recommending that H.B. No. 31, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 31, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 206) recommending that H.B. No. 602, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 602, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Takai being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 207) recommending that H.B. No. 697, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 697, pass Second Reading and be referred to the Committee on Labor & Public Employment, 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. 697, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Takai being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 208) recommending that H.B. No. 698, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 698, pass Second Reading and be referred to the Committee on Labor & Public Employment, 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. 698, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Takai being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 209) recommending that H.B. No. 1375, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1375, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 210) recommending that H.B. No. 1373, 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. 1373, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 718, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 718, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE CAPTIVE INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Takai being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 212) recommending that H.B. No. 271, 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. 271, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 213) recommending that H.B. No. 951, 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. 951, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 951, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representative Thielen voting no, and with Representative Takai 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 bills on Third Reading on the basis of a modified consent calendar. (Representative Takai was excused.)

### THIRD READING

#### H.B. No. 615, HD 1:

Representative B. Oshiro moved that H.B. No. 615, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this measure is to update Hawaii's harassment law to keep up with technology by including the definition of electronic communication as defined in the Hawaii Revised Statutes section 711-1111(2), which means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. Unfortunately, many individuals are harassing others through the Internet, which is not just accessible through computers, but now through our cellular phones. Harassment can cause annoyance, mental distress, and fear for one's safety. It is our goal to reduce harassment done in person or through technology. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 615, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

#### H.B. No. 622, HD 1:

Representative B. Oshiro moved that H.B. No. 622, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this measure is to update Hawaii's harassment by stalking law to keep up with technology by including the definition of electronic communication as defined in the Hawaii Revised Statutes section 711-1111(2), which means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photoelectronic, or photo-

optical system. Unfortunately, many individuals are stalking others through the Internet, which is not just accessible through computers, but now through our cellular phones. Harassment by stalking can cause annoyance, mental distress, and fear for one's safety. It is our goal to reduce harassment done in person or through technology. Thank you."

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

"Mr. Speaker, I stand in strong support."

The motion was put to vote by the Chair and carried, and H.B. No. 622, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

#### H.B. No. 293, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE PROCEEDINGS," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

#### H.B. No. 444, HD 1:

Representative B. Oshiro moved that H.B. No. 444, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to be recognized, stating:

"Mr. Speaker. Thank you, I thought I might have missed my chance, because I stood up first the last time."

The Chair addressed Representative Ward, stating:

"Representative Ward, shall we incorporate your speech from the other day as your Third Reading?"

Representative Ward: "Well, I was going to get to the back of the bus, but since no-one else stood up ..."

Speaker Say: "Well, the Chair recognizes you, but please keep it short, since you have already incorporated your speech from the other day into today's Journal."

Representative Ward continued in opposition to the measure, stating:

"Mr. Speaker, I promised you I would speak on something entirely different, which if you listen, I think you'll be able to hear that.

"Mr. Speaker, I rise in opposition, because a few days ago I argued that HB 444, on civil unions was really a 'Trojan horse' for same-sex marriage, and that we as legislators were becoming the great pretenders as we watched the emperor going down the street with no clothes on, and insisted by our votes that yes, the emperor has clothes on, because this was really an issue about rights and about things that we could not put into the Reciprocal Beneficiaries Law.

"Mr. Speaker, today I contend again that this bill is not about equality. It's about an end run for same-sex marriage. The bill goes beyond equality, and as much as some of us don't admit it, you will usher in same-sex marriage, as sure as Massachusetts, Connecticut, California, Vermont, and others have used civil unions as the gateway to same-gender marriage.

"Let me give you a real, live example about what I'm talking about, and it entails the State of New Jersey. New Jersey passed a Civil Unions Bill, comparable to this one, in 2006. And then they created the Civil Unions Review Commission to make sure they were doing the right thing, just like a lot of us in this Chamber want to make sure that we're doing today the right thing.

"Then in December 2008, that's just a few months ago, the New Jersey Civil Unions Commission issued a report that concluded, and I quote, Mr.

Speaker, 'Civil unions invite and encourage unequal treatment of same-sex couples and their children.' Unequal treatment. As the report details, 'Unless it's called marriage, you're not going to get rights in many cases', said one of the lead commissioners. 'Civil unions are not respected in the real world, and domestic partners are not respected in the real world.'

"Mr. Speaker, they said in effect, after civil unions for two years, they are not treated equally. They are given unequal treatment, and they don't get the respect or the societal approval. And the next quote is, the report went on to say, that marriage equality goes beyond getting enumerated rights that are involved in equality, because real marriage equality was the about the dignity that comes with the word and the societal approval that comes with the word 'marriage'.

"Mr. Speaker, this is suggesting that if we go on today, what will happen in a while is that these values that we are putting toward equality will not have an effect. Mr. Speaker, I find it difficult to believe that we will be able to get societal approval for something, where the Muslims to be able to stop believing in the Qur'an is probably a very difficult proposition, as well as Christians stop believing in their Bibles would be a difficult proposition, the same way that if we declared pork the miracle food. No matter what we say, good things about it, Muslims are never going to start eating pork, if you get the analogy. That is not going to happen.

"What happens now with New Jersey, they may be ahead of us, Mr. Speaker, by what they have just done. Clearly, the New Jersey lack of equality argument is coming, and the motivation for us to pretend that it's not coming to Hawaii is not the reality of the situation.

"If we take a lesson from the playbook of New Jersey, the unequal treatment issue we think we are solving today will actually become the reason why HB 444 falls short of what we desire to have happen. HB 444 was supposed to eliminate something that it ends up, in effect, then encouraging. That is the unequal treatment.

"The unanimous recommendation of the New Jersey Civil Unions Commission was to suggest that legislation legalizing same-gender marriage would be the only solution to the problem. Quote, 'Gay rights leaders in New Jersey are hopeful that the report highlighting inequities in the State's Civil Unions Law will prompt the State Legislature to legalize same-sex marriage in 2009, making New Jersey the first state to do so through legislation, rather than court-order.'

"Mr. Speaker, let's stay tuned into New Jersey. It offers insight into what we are doing today, and gives us reason to pause and stop pretending that all we're doing today is about a bundle of rights. In the face of a slumping economy, lack of credit, job losses, I don't think our constituents will be happy with this bill, and the amount of time we are committing to it. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support. Since the existence as a human race, we have been very judgmental with others, especially in the minority sector of people, because of their sex, color of skin, ethnicity, religious beliefs, culture, behavior, and lifestyle. It was the majority of the people that decided what is acceptable for society, and oftentimes, the minority of the people get the short end of the stick. Our great State and country has come so far in regards to equality and compassion. In the past, we had laws that discriminated against every type of minority that I mentioned. We have done so much to correct our wrongful acts by changing our laws to be inclusive, rather than exclusive. However, we still have much work to do in creating equality for all in our great State and country.

"In regards to the same-sex community, our laws do not extend the same rights to them as we do for the heterosexual community. We, as a society want people to take care of ourselves and each other. Civil unions will allow same-sex couples to have the same rights as heterosexual couples, without having to change our marriage laws. Keep in mind that we are not only allowing rights, but we are requiring responsibilities of all couples. They are legal liabilities if couples do not care for each other. Too often

we hear of cheating, domestic violence, sexual abuse, fighting over money and property, and partnering because we have financial greed.

"When partnerships are dissolved, properties are divided, and custody and visitation rights of children are decided. The real threat to marriage or civil unions, if this measure does pass, is ourselves. Again, this bill does not expand the marriage laws between a man and a woman. This bill only grants the same legal rights and responsibilities required of opposite-sex couples, to same-sex couples.

"I believe that we all want to have a society in which we do not alienate or discriminate against those who are different from any of us. We have come so far in our battle against racial discrimination, and I believe that while we have come a long way in addressing same-sex issues, there is still difficulty in extending the same legal rights that we have for heterosexual couples, to same-sex couples. And again, we are not amending our marriage laws at all.

"We, as a society, must have love and compassion, rather than anger, hate, and discrimination. This Civil Unions bill will help to unify the State and country even further. Let us try to eliminate, or at least minimize our judgments on what we see physically before us. We are judging fellow family, friends, and neighbors because they have a minority lifestyle. Let us look at this issue, not only legally, but esoterically. Body is nothing more than emptiness, and emptiness is nothing more than body. Rather than just looking at what is before us, let us look deeper and see the souls of others. One soul can really love and have compassion, or it can really hate and have discrimination. Instead of judging others, we need to look within our own soul and better ourselves. Let us spread love and compassion, and provide equality for all. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support, and I'd first like to request the opportunity to submit written comments. I just wanted to address some of the legal arguments, first and foremost. And I think it's important for people to realize that reciprocal beneficiaries, what we currently have in the law, it's not the same as marriage, as much as people may try to dress it up and make it look the same.

"When you look at the legislative history in 1997, the Legislature looked at HB 118 that ended up becoming the reciprocal beneficiary law. At that time, initially, there were 146 rights and benefits that were proposed to be conferred upon these couples. However, in the end, when Act 383 became codified into HRS Chapter 572C, only 83, or 56 percent of those rights and benefits ended up making it into law. Later on, 11 of those were removed, so what we have is a total of 72 rights, or 49 percent, or really less than half. So that's what we're really talking about. We're talking about these couples that only get half the rights that every single other couple in this State is entitled to.

"There are a total of 550 additional laws that grant rights, privileges, and benefits for married relationships that don't get afforded to these couples. And so, as much as people may say it's something about 'separate but equal,' it's really not. It's about not even being given the opportunity to ride in the back of the bus. It's actually having to hop along on the tailgate, hop off, hope you don't fall off. And when you fall down, hoping that nobody kicks you when you're already down. That's really what people are fighting for.

"And so, really in conclusion, I wanted to take this opportunity, because I don't know if I'll ever get this chance again, I wanted to personally thank the 32 co-sponsors of HB 444. I wanted to thank the Chair and Vice-Chair of the Committee. I wanted to thank the hundreds of people that submitted testimony and came out for the hearing. I want to thank the 12 members of the Committee that came out to pass the bill. I want to thank all the staff that have received all the calls, emails, and letters. I really want to thank everybody for all of that.

"I've been here for eight years, and it's really inspiring for me today. The first day I stepped foot in this place, I was just awestruck. I was floored and overwhelmed by everything that was possible. Everything that

I thought was swirling around and all that could happen. But today, I really am reinvigorated. I'm re-inspired, and I'm uplifted, because what I see is what is the most probable. And even if it's not going to happen today, I know that someday it will.

"There are many days when I've been somewhat disappointed by the political process. I've been frustrated by it. And I'm not trying to bemoan it or complain about it. I understand that's the process, and I accept it. That's what I accepted when I got elected. But today, I really want to thank everybody, because for the first time, I feel like I belong, like I really am trying to make a difference, and I feel sort of my mission being reestablished again.

"As stated by Martin Luther King, Jr. and as quoted by our new President, "The arc of the moral universe is long, but it bends towards justice." Today we have that chance to bend that arc. Therefore, thank you everybody for showing me that there are those that are willing to take that bar and bend it. Thank you to everybody for showing me that despite the tyranny of discrimination, the specter of religious dogma, the militancy of the oppressors, there is a day when justice will rise up. There is a day when we can do our job, rather than being worried about keeping our job. There will be a day when we will all stand together and look back at this. It's really going to be just a footnote in the pages of history. There will be a day when acceptance, tolerance, equity, and justice are not just words, but they will be truly embodied by our actions. So let that day come closer, and let that day be today. Thank you, very much."

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

"World religions such as Christianity, Islam, Hinduism, and Buddhism exist within our country and relate back to the foundation of our great nation. The basic principal of our Founding Fathers was to create a Nation with religious freedom and without religious persecution.

"Hence the free exercise of religion is the first freedom mentioned in the First Amendment to the United States Constitution. This portion of the Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The second clause, containing the phrase "free exercise," guarantees a citizen's right to express religious beliefs, and act in accord with those beliefs.

"If we truly believe this, then why is it that the topic of "benefits", which is civil rights issue, a topic that has anything to do with religion? The phrase "wall of separation between the church and the state" was originally coined by Thomas Jefferson. This is to ensure that the Government stays out of the Church's business and the Church stays out of the business of Government.

"Therefore, as government officials our duty is to fulfill the mission of the government, and to uphold the Constitution of the United States of America. And remember that the Constitution was written to protect all citizens not just a select few, from a select religion.

"The Constitution was written by men who wanted equality and freedom. With that said, it is sad to watch government officials display discourse to equality based solely upon religious affirmations."

Representative Souki rose, stating:

"Mr. Speaker, I know that you're very generous, but I think we need some decorum in this Chamber from the members and from those upstairs in the gallery. I'm afraid if this continues, it can escalate. So, if you would please ask for order."

The Chair then stated:

"Thank you very much for that request. For those who are in the gallery, we would like to ask you to at least present some proper decorum in the gallery and in this Chamber."

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

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise to speak in support of HB No. 444. I support this bill for human compassion and social justice reasons. Whether or not those kinds of partnerships are consistent with our personal or religious beliefs, we all live in communities where same-sex relations exist. Our laws should be applied in a way that impacts all our residents in similar circumstances, equally. I support this bill because I'm convinced that encouraging all our citizens to form marital relations, even if we call them something else, is sound public policy consistent with our basic American value of equal justice under the law.

"I wholeheartedly agree with the opponents of this bill on one point – marriage is a bedrock institution of our civil order. We have a keen interest in preserving marriage and keeping marriage the default expectation for adult life. Marriage is, by far, the most beneficial social institution we have. It's not merely that individuals benefit in a myriad of ways from their own marriages. It's also that the prospect of marrying, the expectation that one will eventually marry, that promote and encourage a wide array of socially desirable behaviors among the unmarried, particularly as examples for young people, including practicing devotion, commitment and fidelity to our significant partners and to our families.

"Marriage benefits us as a community precisely because it conditions its benefits upon the solemn promises of spouses to mutually meet very specific responsibilities to one another. The occasion of a wedding is not merely a celebration of love, it is a ceremony in which two people stand before their loved ones, their closest friends and society at large, in love, support and faithfulness, "for better or worse, in sickness and in health, till death do us part." And these promises that everyone present, rightly expects them to keep, or at least try to keep.

"Unfortunately, because unmarried informal relations such as reciprocal beneficiaries are far less stable and less prestigious than traditional marriages, they fail to deliver many of the benefits of marriage, both to the alternatively arranged parties themselves, and to everyone else. For example, who can argue with the premise that it is better to have two loving and caring parents in a household raising children, than a single-parent household? I would suggest it is good for people to be in relationships where there are socially enforced and legally supported obligations of care and commitment, while arrangements requiring commitments less than those required of a marriage weaken our social fabric, and in doing so, harm us all.

"Finally, I have enough faith to believe that the success or failure of my own marriage depends more on the work and love I pour into it than whether or not we as a community, and today as a legislature, exclude other citizens from entering the same kind of union. The strength or weakness of my own family depends more on the values I demonstrate through my own actions than in dictating those values to others outside of my own family. I prefer to address the logs lodged in my own eyes before concentrating on the specks in others' eyes.

"I urge my colleagues to vote in favor of the bill."

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

"Yes, thank you, Mr. Speaker. I'm in strong support. I ask that the remarks of our Majority Leader be inserted as my own. I would also like to point out that my own parents were victims of the Miscegenation Laws that looked at race as a reason to keep people from being married. And so, I see this as continuation of getting rid of these awful, hurtful laws.

"First of all, we aren't looking at marriage, we are looking at civil unions. So, whatever discussion there is about marriage, that isn't what this bill is about. It's about civil rights. And, as a legislature, we're looking at everybody's rights, not just a certain few. That when we passed that amendment back in the '90s, it was 70 percent of the 26 percent of the people who actually voted for that amendment. And so, it was a majority of a minority.

"Finally, it was Nelson Mandela who said, 'Marriage really, is not between a man and a woman. It's between two human beings.' Thank you."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I wasn't going to speak, but when we have views that are opposing and they're considered judgmental or hateful, I felt that I should speak from my own experiences. So, I will take the time to speak. You see, this is one of the hardest speeches that I've ever had to consider writing, and at one point in time, I wasn't going to say anything.

"You see, I grew up loving a sister who was gay. The only reason I say 'was' is because she passed away of cancer in 2001. I know that she can hear me today, and the last thing that I would want for her to feel in any way, shape, or form, is that I didn't love her for who she was. I was very little when my parents found out that my sister was gay. My understanding is that the initial reaction was not a positive one. But soon after my parents found out, they accepted my sister and loved her. So I grew up respecting and loving and accepting my sister, not because she was gay and not despite she was gay. I loved her because she was my sister.

"The reason I am voting against this bill is because my belief is that the decisions we make today will shape our tomorrow. Our laws reflect the hierarchy of what is best for society for the generations of families to come. Marriage between a man and a woman is put up at the top, and has been recognized by government. If we push to have government certify or make legal a union or marriage between the same sex, I believe that we push what is accepted, to what will be promoted. I oppose this direction.

"We infuse morals and how we define marriage, currently by stating that marriage shall be between a man and a woman, shall not be between relatives, and shall not occur with a child and an adult, among other things. I hope that at the end of this day, or at the end of this legislative session, that we can find peace within ourselves and with one another. But more important, remember that we can love even with our differences.

"This inner journey was a difficult one to take. I can take this vote in good conscience, because I know that my sister would love me, no matter what I vote today. Thank you."

The Chair then addressed the audience, stating:

"May we please have some proper decorum in the Gallery."

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

"Thank you, Mr. Speaker. I am rising in favor of this bill. Twelve years ago, I voted to make marriage between a man and a woman, but today I am voting for civil unions, because I support family values. Everyone knows that I'm a loving mother of four children and two step-children. And I'm a dotting grandmother of seven grandkids. But I believe in obligations and responsibilities and committed relationships, so, of course I don't condone casual relationships. I believe everyone should love and be loved. And I believe that we are all God's little children. Thank you."

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise to speak in favor of this bill. And first of all, I would like to thank the Judiciary Chair for having the courage to put us in a situation where we are voting on a monumental bill. Where prior Judiciary Chairs, including myself have failed to do, he has been able to do, and I want to thank him deeply for that.

"I feel today is a great day. I feel kind of ashamed that we have closed our eyes to the discrimination that has gone on, and we have continued to allow discrimination. And it's through bills like this, which will equalize some of the things that we have failed to do in the past. I make no

pretense, and I make no apologies about this bill. I know what this bill does. It brings us closer to equality. It doesn't get there, but it's pretty close. And, as we fight for equality for all our citizens, it's something that we have to do. It wasn't long ago where women couldn't vote. And it wasn't long ago when students were segregated in the classrooms because of race. We continue to allow overt discrimination in our community to happen, and it's something that we should not tolerate anymore.

"Mr. Speaker, my son is six now, and he's at a point in time where he understands differences, and he recognizes it. And in his class, I'm thankful that he has a friend who has two mommies. And on his soccer team, he has a teammate who has two daddies. He sees the differences, and he can differentiate, but he accepts it, and he knows that for what it is. They are who they are. And, I'm thankful that he is growing up in a time where he understands and differentiates differences, and doesn't discriminate, but accepts it. I'm very thankful for that, and I'm very thankful for today. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support. Mr. Speaker, I rise today, not just as the youngest member of this body, but as a member of our next generation. And my generation, like each that has come before, has been raised with an expectation that we can make anything of ourselves if we work hard enough, pursue our dreams, and achieve the impossible. We've been promised the 'American Dream', yet all this means nothing if some of us can be denied the single, most important commitment in our lives.

"So many in my generation are growing up, only to find their pursuit of happiness being inhibited and judged by the values of others, in a country that prides itself on the equality, and applauds itself for overcoming generations of prejudice. Now how can this be? Mr. Speaker, as citizens, we have been promised the freedom to choose the way we live, to worship as we desire, to love whomever we love, and to live by the values we choose. Each of us has been promised the liberty to our pursuit of happiness and our own self-determination.

"But promises are not good enough, because today, by validating only some people's commitments to one another, government is either telling us who we should love, or it is affording us rights to one class of people over another. And either way, it isn't free, it isn't equitable, it isn't American, and it isn't right.

"Mr. Speaker, the battle for equality among all Americans is clearly not over. That is why my generation overwhelmingly supports equal rights for all couples. And I rise today on their behalf. Thank you."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I want to be sure to say this in love, because I think there's been some misinterpretation about when you defend marriage, you're condemning individuals, and I want to be very clear that this is not to condemn individuals. It's to protect an institution, the same way that our forefathers fought to protect democracy, of which some of us have family now in Iraq protecting democracy, and other values which are institutional, which will go beyond all of us in this Chamber and the great nation that we belong to, into posterity.

"But, my point is this, Mr. Speaker. Some of us, if I can go back to my speech Tuesday, I said one of the great core of our country is equality of opportunity, equality under the law. And I said that democracy is self-correcting. Today we are correcting the democratic process that didn't allow equal rights. We should have no problems, as Americans, with equal rights. But Mr. Speaker, there's some of us who don't believe that this bill stops at this juncture of civil unions. That's what this argument is about. In fact, if this argument is incorrect, then let's go back to the people and ask them, as they did in 1998, what do they think? Because this body should not be the body that determines the future of same-sex marriage.

"If what we are saying today is civil unions, then there's no problem with equal rights. There should not be a problem with equal rights. We're Americans. But if it's to where we're going to change the institution, and

morph this in a manner of just tweaking a certain little name in that bill, and then come up and surprise the people, that suddenly we got same-sex marriage, we will have cheated them. We will have cheated democracy, and that's not why we're here, Mr. Speaker. This is the marketplace of ideas. We have to respect this institution, and that's why some of don't believe that we're doing today, the right thing, because of what it's going to lead to. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I rise in opposition. As many of the people that know me in this Chamber, especially my husband, I have very strong personal opinions. But as someone reminded me, I'm not here to represent my opinion. I am here to represent the voices of the people of Ewa Beach. And they have clearly spoken. Over 90 percent of them. And that this perhaps is not the avenue in which they would like to see equality. That they would much rather prefer to expand reciprocal beneficiary rights that our leader across from me said was taken away. And that would be a compromise that they would so graciously embrace.

"They wanted me to tell everybody here today, as we talk about discrimination. They wanted me to tell everyone here, please, don't discriminate against them because they're Christian. Don't discriminate against them because they're Mormon. Don't discriminate against them because they're Muslim. It is simply the things that they believe in, and they apologize if it hurts people's feelings. Thank you."

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

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

"Mr. Speaker, I stand in support of the measure to create civil unions. I believe in stable, loving relationships, whether they are in a legal marriage or in alternative circumstances. This measure will allow couples who cannot marry the opportunity to benefit from being in a legal and recognized relationship.

"I believe that attitudes across our nation are changing, and more people are willing to accept and understand alternative lifestyles, as long as there is love and respect between the partners.

"There has been considerable debate over this issue across the nation, and I am grateful our discussion in Hawaii has lead to a positive resolution."

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

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

Representative Takumi's written remarks are as follows:

"It's about time. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," passed Third Reading by a vote of 33 ayes to 17 noes, with Representatives Aquino, Awana, Ching, Choy, Evans, Finnegan, Har, Ito, Magaoay, Manahan, McKelvey, Mizuno, Pine, Sagum, Tokioka, Ward and Yamane voting no, and Representative Takai being excused.

At 1:07 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 615, HD 1  
H.B. No. 622, HD 1  
H.B. No. 293, HD 1  
H.B. No. 444, HD 1

**INTRODUCTION OF RESOLUTIONS**

By unanimous consent, the following resolutions (H.R. Nos. 50 through 52) and concurrent resolutions (H.C.R. Nos. 64 through 66) were referred to Printing and further action was deferred:

H.R. No. 50, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO CREATE SCHOLARSHIPS FOR HAWAII RESIDENTS TO STUDY ABROAD," was jointly offered by Representatives Ward, Brower, Pine, Aquino, Ching, Hanohano, C. Lee and Nakashima.

H.R. No. 51, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAIIAN ELECTRIC COMPANY TO EXTEND ITS ENERGY SOLUTIONS FOR THE HOME PROGRAM," was jointly offered by Representatives Ward, Brower, Pine, Ching, Hanohano, C. Lee, Marumoto and Nakashima.

H.R. No. 52, entitled: "HOUSE RESOLUTION URGING THE USE OF POLYVINYL CHLORIDE AND HIGH-DENSITY POLYETHYLENE PIPE AND FITTINGS FOR THE CONSTRUCTION OR REPAIR OF PRIVATE AND PUBLIC POTABLE WATER SYSTEMS," was offered by Representative Herkes.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO REQUIRE DEVELOPERS TO APPEAR BEFORE THE APPROPRIATE NEIGHBORHOOD BOARDS FOLLOWING CHANGES IN CONSTRUCTION OR DEVELOPMENT PLANS PREVIOUSLY APPROVED BY THE NEIGHBORHOOD BOARD," was jointly offered by Representatives Ward, Brower, C. Lee, Pine, Aquino, Ching, Hanohano, Marumoto and Nakashima..

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI," was jointly offered by Representatives Ward, C. Lee, Ching, Hanohano, Marumoto and Pine.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE USE OF POLYVINYL CHLORIDE AND HIGH-DENSITY POLYETHYLENE PIPE AND FITTINGS FOR THE CONSTRUCTION OR REPAIR OF PRIVATE AND PUBLIC POTABLE WATER SYSTEMS," was offered by Representative Herkes.

**ANNOUNCEMENT**

Representative Ching: "Thank you, Mr. Speaker. Today we celebrate the 200th anniversary of who has been called, as I said in the Invocation last week, the Country's greatest President who, validated in every poll of professional historians and ordinary Americans, who had the hardest job of all, but did it triumphantly. It's all part of the Country's unique obsession with a martyred President, who is perceived, as historians say, as the epitome of an American. Born out of the wilderness in Kentucky, self-schooled by candlelight. Who would grow to be the savior of the Union, the fall of slavery, and then sacrificed on Good Friday night in 1865, by an assassin's bullet.

"It's Abraham Lincoln. The founder and father of the Republican Party, who is 200 years old today. Thank you."

**ADJOURNMENT**

At 1:08 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 13, 2009. (Representative Takai was excused.)