

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2009

***ROUGH DRAFT
JOURNAL***

SIXTEENTH DAY

FEBRUARY 13, 2009

OFFICE OF THE CHIEF CLERK 

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SIXTEENTH DAY

Friday, February 13, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Faye P. Hanohano, after which the Roll was called showing all members present with the exception of Representatives M. Oshiro, Pine and Takai, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 7 through 10) were received and announced by the Clerk:

Sen. Com. No. 7, transmitting H.B. No. 302, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," which passed Third Reading in the Senate on February 12, 2009.

Sen. Com. No. 8, transmitting S.B. No. 123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on February 12, 2009.

Sen. Com. No. 9, transmitting S.B. No. 697, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on February 12, 2009.

Sen. Com. No. 10, transmitting S.B. No. 715, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on February 12, 2009.

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

- S.B. No. 123, SD 1
- S.B. No. 697
- S.B. No. 715

INTRODUCTIONS

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

Representative Luke introduced 2nd and 3rd grade students from Soto Academy. They were accompanied by their teacher, Mrs. Rose Ann Nakamoto; parents, Ms. Lisa Matsunaga, Ms. Tracy Tshuhako, Mr. Kyle Nakamura, and Ms. Laurie Isara; and aunt, Ms. Shirley Chong.

Representative Wakai introduced 9th grade students from Moanalua High School, and their teacher, Ms. Rachael Jones.

Representative Berg also acknowledged the students of Moanalua High School and recognized their participation in NCSL's Project Citizen.

Representative Ward introduced Mr. Ilya Shapiro, Sr. Fellow in Constitutional Studies at the Cato Institute in Washington, DC. He was accompanied by Mr. Richard Rowland, President Emeritus of the Grassroots Institute of Hawaii.

At 12:13 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 12:23 o'clock p.m.

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>
50	Jointly to the Committee on Higher Education and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
51	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
52	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

<u>H.C.R.</u> <u>No.</u>	<u>Referral</u>
64	Committee on Water, Land, & Ocean Resources
65	Committee on Energy & Environmental Protection
66	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>No.</u>	<u>Re-referral</u>
279, HD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
281, HD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
397, HD1	Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
1141	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs
1704, HD1	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1807, HD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 214) recommending that H.B. No. 696, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Pine and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 215) recommending that H.B. No. 439, 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 Committee be adopted, and that H.B. No. 439, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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."

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. 439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL INJURIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 1317, 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. 1317, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL PHYSICIANS TAX CREDIT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 1378, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1378, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record an aye vote with reservations 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 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. 1378, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 1776, pass Second Reading and be referred to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1776, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Human Services with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 232, 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. 232, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 232, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 220) recommending that H.B. No. 336, 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 Committee be adopted, and that H.B. No. 336, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I'd like to speak in favor of this measure. I'm in favor of Standing Committee Report 220. The collection of DNA upon felony arrests for violent crimes will help solve cold cases and will save lives by providing earlier ID of serial offenders. It will also absolve the innocent. It will reduce cases of wrongful incarceration, and remove racial bias.

"In the case of rape, expanding DNA database requirements help prevent crimes. An offender that is not apprehended in a timely fashion remains free to commit more crimes. According to the U.S. Department of Justice, the average rapist commits eight to twelve sexual assaults before they are caught. So, if we are able to apprehend the perpetrator after the first assault, an average of seven rapes could be prevented. As so many courts, including the 2nd, 3rd and 9th Circuits, the Virginia Supreme Court, and other federal courts in Maryland, New Jersey and Oregon, have upheld the collection of DNA samples at arrest, as an acceptable and constitutional practice.

"Please vote for this Women's Caucus measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 336, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DNA COLLECTION FOR ARRESTEES OF VIOLENT CRIMES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 221) recommending that H.B. No. 1149, 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.

1149, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 222) recommending that H.B. No. 1629, 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. 1629, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 223) recommending that H.B. No. 383, pass Second Reading and be referred jointly to the Committee on Housing 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. 383, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 224) recommending that H.B. No. 1014, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1014, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Pine and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 1658, 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. 1658, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Pine and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 905, 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. 905, 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 Representatives Pine and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 227) recommending that H.B. No. 1665, 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. 1665, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," passed Second Reading and was referred to the Committee

on Water, Land, & Ocean Resources with Representatives Pine and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 228) recommending that H.B. No. 908, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 908, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS IN THE UNIVERSITY OF HAWAII SYSTEM," passed Second Reading and was referred to the Committee on Higher Education with Representatives Pine and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 229) recommending that H.B. No. 1071, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1071, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Pine and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 230) recommending that H.B. No. 991, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 991, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 231) recommending that H.B. No. 691, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN SHORTAGES," was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representatives McKelvey and Tsuji, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 232) recommending that H.B. No. 988, 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. 988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 1606, 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. 1606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 984, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 984, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

At this time, Representative McKelvey offered Floor Amendment No. 1, amending H.B. No. 984, HD 1, as follows:

"SECTION 1. House Bill No. 984, H.D. 1 (RELATING TO TECHNOLOGY), is amended by amending Part III of the new chapter created in section 2 as follows:

1. By inserting three new sections to read:

"§ -68 **PEG access organization designation, generally.** (a) The commission shall designate for each county one PEG access organization to oversee the development, operation, supervision, management, production, or broadcasting of programs for any channels obtained under section -67.

(b) No PEG access organization shall be initially designated except upon written application to the commission, and following public hearing upon notice as provided in section -14(d).

(c) An application for designation as a PEG access organization shall be accepted for filing only when made in response to the written request of the commission for the submission of proposals. An application for designation shall be made in a form prescribed by the commission by rule adopted under chapter 91 and shall set forth the information required by the commission and determined in accordance with this chapter, as to whether a PEG access organization should be designated, including:

- (1) The management and technical experience of the organization and its existing or proposed staff;
- (2) The public media, community media, or PEG access experience, or any combination thereof of the organization and its existing or proposed staff;
- (3) Whether the applicant's missions or purposes as evidenced by its articles of incorporation, bylaws, or similar corporate documents, include providing training, education, and outreach to give individuals and organizations the ability to use communication tools to effectively convey their messages;
- (4) The ability of the organization and its existing or proposed staff to provide PEG access services requested by the commission;
- (5) The organization's short- and long-term plans for PEG access services for a designated county;
- (6) The financial capacity of the organization;
- (7) Whether the organization agrees to expand the marketplace of ideas and is committed to allowing members of the public to express their first amendment rights of free speech;
- (8) The ability of the organization, through the use of electronic media tools, to foster and engage in civic and cultural development and engagement in communities it has served; and
- (9) Any other matters deemed appropriate and necessary by the commission.

(d) The commission shall designate PEG access organizations in accordance with the public interest. In designating a PEG access organization, the commission shall take into consideration, among other things:

- (1) The content of the application;
- (2) The public need for the services;
- (3) The applicant's ability to provide PEG access services;
- (4) The applicant's suitability;
- (5) The financial responsibility of the applicant;
- (6) The technical and operational ability of the applicant to efficiently perform the services for which designation is requested;
- (7) Any objections arising from the public hearing;
- (8) The local needs of each community within each county;
- (9) The advice of the communications advisory committee; and
- (10) Any other matters as the commission deems appropriate in the circumstances.

(e) The period of an initial designation shall be for the period of the franchise or franchises granted under section -67 and any renewal periods granted unless the designation is revoked for cause. In cases of mid-term revocation of designation, the subsequent designation shall be for a period of the remaining term of the franchise or franchises revoked.

(f) The commission shall adopt rules pursuant to chapter 91 consistent with this chapter for the designation and regulation of PEG access organizations.

§ -69 **PEG access organization services, terms of designation.** (a) Every PEG access organization shall provide safe, adequate, and reliable service in accordance with applicable laws, rules and designation requirements.

(b) The commission shall include in each PEG access organization designation a statement of services to be provided, performance standards and fees for the services, and all terms and conditions of service, in the form and with the notice that the commission may prescribe. Prior to finalizing the terms of a designation, the commission shall seek advice from the communications advisory committee regarding the appropriate terms.

(c) The commission shall ensure that the terms and conditions upon which PEG access organization services are provided are fair both to the public and to the PEG access organization, and shall take into account the appropriate service area, information received during the designation process, and the resources available to compensate the access provider.

(d) If a designation period has ended, the designation shall be extended upon mutual agreement of the PEG access organization and the commission; provided:

- (1) The period of each extension shall be coextensive with any extension of the relevant franchise or franchises;
- (2) The commission shall make a written determination that it is not practical to designate another PEG access organization; and

- (3) The terms and conditions of the designation shall remain the same as the original designation, as may be amended by the designation; provided further that if the terms and conditions are not the same or are amended, the terms and conditions shall be fair and reasonable.

(e) No PEG access organization designation or franchise, including the rights, privileges, and obligations, may be assigned, sold, leased, encumbered, or otherwise transferred, voluntarily or involuntarily, directly, or indirectly, including by transfer of control of any PEG access organization, whether by change in ownership or otherwise, except upon written application to and approval by the director. A transfer of an PEG access organization designation shall authorize the new PEG access organization to provide services for the remainder of the term of the existing franchise.

§ -70 Access fees. The commission shall assess the maximum access fees permitted under federal law based upon the gross revenue of each operator. The PEG access organizations shall receive not less than seventy-five per cent of the access fees assessed; provided that the commission may cap access fees distributed to PEG access organizations serving counties with more than five hundred thousand residents, as provided by rule adopted pursuant to chapter 91. Whatever fees are not distributed to PEG access organizations and not used by the commission for administering the designation of PEG access organizations shall be distributed to institutions of higher learning, schools, the state legislature, and the counties, as provided by rule, for development and production of residential cable access for television purposes."

2. By renumbering sections -68 to -74 to conform to the insertion of the three new sections;

3. By renumbering references to section -68 in the new chapter, to section -71; and

4. By inserting a new subsection (d) in section -14 of the new chapter to read:

"(d) Any public hearing held pursuant to section -68(b), shall be a noticed public hearing or hearings in the county to be served by the applicant for designation as an access organization. Notice of the hearing, with the purpose thereof and the date, time, and place at which it will open, shall be given not less than once in each of three weeks statewide, the first notice being not less than twenty-one days before the public hearing and the last notice being not more than two days before the scheduled hearing."

On motion by Representative McKelvey, seconded by Representative Choy and carried, Floor Amendment No. 1, amending H.B. No. 984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was adopted with Representatives Pine and Takai being excused.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 984, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Pine and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 86, 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. 86, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 483, 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. 483, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McKelvey rose in support of the measure, stating:

"I am in strong support, 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. 483, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 1376, 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. 1376, 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'd like to cast reservations on this Committee Report. I understand that it duplicates a Department of Education action."

Representative Ching 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1376, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 650, 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. 650, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 650, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources with Representatives Pine and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 1431, 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. 1431, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1431, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources with Representatives Pine and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 1648, 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 Committee was adopted and H.B. No. 1648, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Health with Representatives Pine and Takai being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 1082, as amended in HD 1, 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. 1082, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 397, 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. 397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 398, 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. 398, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 1159, 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. 1159, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 1163, 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. 1163, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 53, 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. 53, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 963, 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. 963, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKS OF ART SPECIAL FUND," passed Second Reading and was referred to the Committee on Hawaiian Affairs with Representatives Pine and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 701, 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. 701, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 1429, as amended in HD 1, pass Second Reading and be referred to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1429, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ABOUT FACE PROGRAM," passed Second Reading and was referred to the Committee on Human Services with Representatives Pine and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 1601, 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. 1601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 251) recommending that H.B. No. 703, 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. 703, entitled: "A BILL FOR AN ACT RELATING TO HEALTH,"

passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 252) recommending that H.B. No. 704, 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. 704, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 705, 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. 705, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 1064, 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. 1064, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE BUDGET SHORTFALL," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 255) recommending that H.B. No. 736, 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. 736, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 256) recommending that H.B. No. 739, 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. 739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 960, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Public Safety with Representatives Pine and Takai being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 258) recommending that H.B. No. 1808, 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. 1808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pine and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 259) recommending that H.B. No. 1806, as amended in HD 1, 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. 1806, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN NATURAL RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources with Representatives Pine and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 724, 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. 724, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 782, 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. 782, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Pine and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 262) recommending that H.B. No. 279, as amended in HD 1, be recommitted to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 279, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was recommitted to the Committee on Energy & Environmental Protection with Representatives Pine and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 281, as amended in HD 1, be recommitted to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 281, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," was recommitted to the Committee on Energy & Environmental Protection with Representatives Pine and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 264) recommending

that H.B. No. 1807, as amended in HD 1, be recommitted to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1807, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY," was recommitted to the Committee on Energy & Environmental Protection with Representatives Pine and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 1704, as amended in HD 1, be recommitted 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. 1704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was recommitted to the Committee on Economic Revitalization, Business, & Military Affairs with Representatives Pine and Takai being excused.

ANNOUNCEMENT

Representative Ching: "Thank you, Mr. Speaker. Tomorrow will be St. Valentine's Day, and I wanted to announce that that is why, as you know, annually I put chocolate on everyone's desk. Americans themselves will consume just a huge amount of chocolate, tomorrow and today. Chocolate which comes from cacao, is able to be grown here in Hawaii. We are the only state that can grow it in the U.S. And I think that the best analogy of chocolate is what tea is to Asia. Tea is a very important drink of Asia as it has spiritual meaning. And what wine might be to Europe, is the drinking of cacao to the entire Americas.

"And so to relook at chocolate, the actual history of chocolate is that it was never meant for children. It is actually an important crop, and I'm hoping that one day we are able to grow it even more. Thank you."

Representative Chong: "Thank you, Mr. Speaker. This is just a reminder that your Housing Committee is going to have decision-making at 1 p.m. today in Room 329. Thank you."

Representative Ward: "Mr. Speaker, as the only male of the Minority Caucus, I wish all of the ladies in the House a very, very Happy Valentine's, and to know that the five women in the Caucus made me say this."

At 12:37 o'clock p.m. Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

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

ADJOURNMENT

At 12:38 o'clock p.m. on motion by Representative Evans, seconded by Representative Ching and carried, the House of Representatives adjourned until 12:00 o'clock noon Tuesday, February 17, 2009. (Representatives Pine and Takai were excused.)