

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2009

***ROUGH DRAFT
JOURNAL***

FORTY-FIRST DAY

APRIL 3, 2009

OFFICE OF THE CHIEF CLERK



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FORTY-FIRST DAY

Friday, April 3, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:03 o'clock p.m., with Vice Speaker Magaoy presiding.

The invocation was delivered by Speaker Emeritus Joseph M. Souki, after which the Roll was called showing all members present with the exception of Representatives McKelvey, M. Oshiro, Takai and Takumi who were excused.

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

INTRODUCTIONS

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

Representative Mizuno introduced students from Hawaii Pacific University involved with the Invisible Children of Uganda. They were accompanied by his legislative aide, Ms. Arianne Cameros.

Ms. Sara Ortiz, Director of the International Youth Network;
Mr. Paul Tran, Professor and Advisor;
Ms. Chelsea Travis, President;
Ms. Isabelle Gardnert, Public Relations Chair;
Ms. Aya Sato, Chair of Education Committee;
Ms. Janie Turner, Treasurer; and
Ms. Melanie Menor, Secretary.

Representative Ward also recognized the HPU students and announced the sleepover being held to bring awareness to the plight of Ugandan youth.

Representative Sagum introduced fishing advocates:

Mr. Sterling Kaya, Publisher of Lawai'a Magazine, President of Hanapa'a Fishing Company, and Owner/Producer/Publisher of Hawaii Skin Diver TV show and magazine;
Mr. Marc Inouye, Sales and Marketing Director for Lawai'a Magazine and Hawaii Skin Diver Magazine; and
Ms. Stephanie Sakamoto, daughter of the late fisherman/artist, Mr. Mike Sakamoto.

Representative Har introduced Ms. Laura Thielen, Department of Land and Natural Resources Chairperson; Mr. Paul Connery; and Mr. Henry Curtis, Executive Director of Life of the Land.

Representative Ito introduced Mr. Tony Costa, an advocate for responsible fishing.

Representative Tokioka introduced Ms. Ann Henriques and Ms. Mary Henriques, granddaughters of former State Representative and Vice Speaker, Manuel "Manuela Boy" Henriques of Kauai. They were accompanied by his legislative staff, Mr. Gavin McCall.

Representative Har also introduced Ms. Stephanie Sakamoto, former staff member for Representative Blake Oshiro.

Representative Nishimoto introduced his parents, Mrs. Pat and Mr. Mel Nishimoto. They were accompanied by his office manager, Ms Candace Van Buren, and his legislative aide, Ms. Jenalyn Tadio.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.R.
Nos.Re-referred to:

108	Committee on Economic Revitalization, Business, & Military Affairs
164	Committee on Water, Land, & Ocean Resources
166	Committee on Water, Land, & Ocean Resources
223	Committee on Transportation

H.C.R.
Nos.Re-referred to:

41	Committee on Consumer Protection & Commerce
60	Committee on Water, Land, & Ocean Resources
131	Committee on Economic Revitalization, Business, & Military Affairs
171	Committee on Consumer Protection & Commerce
202	Committee on Water, Land, & Ocean Resources
204	Committee on Water, Land, & Ocean Resources
254	Committee on Transportation

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 299) was announced by the Clerk and the following action taken:

H.R. No. 299, entitled: "HOUSE RESOLUTION CONGRATULATING AND COMMENDING THE HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE, A COMPONENT OF THE PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT, ON ITS CENTENNIAL CELEBRATION," was jointly offered by Representatives C. Lee and Morita.

Representative C. Lee moved that H.R. No. 299 be adopted, seconded by Representative Morita.

Representative C. Lee recognized the 100th anniversary of the Hawaiian Island National Wildlife Refuge, and conveyed the importance of the Papahanaumokuakea Marine National Monument.

Representative Morita further proclaimed the ecological significance of the preservation area, and commended the many conservation workers who provide stewardship for the resource.

Representative Morita then introduced the honorees seated on the floor of the House:

Ms. Athline Clark, State Superintendent of the Papahanaumokuakea Marine National Monument;

Ms. Aulani Wilhelm, National Oceanic and Atmospheric Administration Superintendent;

Ms. Susan White, U.S. Fish and Wildlife Service Superintendent;

Ms. Margaret Akamnine, NOAA's National Marine Fisheries Services, and Chair of the Monument Management Board;

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Mr. Dan Polhemus, State of Hawaii Division of Aquatic Resources Administrator, and Recorder of the Monument Management Board; and

Ms. Gina Shultz, Deputy Field Supervisor of the Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service.

Representative Ching also commended the conservation workers and thanked them for their stewardship of the Monument.

The motion was put to vote by the Chair and carried, and H.R. No. 299 was adopted with Representatives Awana, McKelvey, M. Oshiro, Takai and Yamane being excused.

The following resolution (H.R. No. 300) was announced by the Clerk and the following action taken:

H.R. No. 300, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE HAWAIIAN INTERNATIONAL BILLFISH TOURNAMENT ON ITS GOLDEN ANNIVERSARY," was jointly offered by Representatives Herkes, Chang, Coffman, Evans, Hanohano, Nakashima and Tsuji.

Representative Herkes moved that H.R. No. 300 be adopted, seconded by Representative Coffman.

Representative Herkes commended the Hawaiian International Billfish Tournament for its contributions to Hawaii and big-game fishing, and congratulated them on their 50th anniversary of the tournament.

Representative Herkes then introduced Mr. Peter Fithian, founder of the tournament, and his wife, Mrs. Roberta Fithian who were seated on the floor of the House.

Representative Coffman then introduced President of the Hawaiian International Billfish Association, Mr. Fred Duerr of the Kona Village Resort, also seated on the floor of the House.

The motion was put to vote by the Chair and carried, and H.R. No. 300 was adopted with Representatives Awana, McKelvey, M. Oshiro, Saiki, Takai and Yamane being excused.

At 12:34 o'clock p.m. Representative the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m., with the Speaker presiding.

STANDING COMMITTEE REPORTS

Representatives Chang and Manahan, for the Committee on Higher Education and the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1428), recommending that H.R. No. 211, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 211, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU IN PARTNERSHIP WITH THE UNIVERSITY OF HAWAII ACADEMY FOR CREATIVE MEDIA, NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS, AND THE HAWAII HOTEL AND LODGING ASSOCIATION TO DEVELOP A PROGRAM AND PRODUCE A FILM PROMOTING HAWAII AS AN EDUCATION AND TRAINING DESTINATION OF CHOICE," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representatives Chang and Manahan, for the Committee on Higher Education and the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1429), recommending that

H.C.R. No. 242, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 242, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU IN PARTNERSHIP WITH THE UNIVERSITY OF HAWAII ACADEMY FOR CREATIVE MEDIA, NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS, AND THE HAWAII HOTEL AND LODGING ASSOCIATION TO DEVELOP A PROGRAM AND PRODUCE A FILM PROMOTING HAWAII AS AN EDUCATION AND TRAINING DESTINATION OF CHOICE," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1430), recommending that H.R. No. 231, as amended in HD 1, 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.R. No. 231, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO GRANT A WAIVER ALLOWING HAWAII ELECTRIC AND LIGHT COMPANY TO CONTINUE ITS NEGOTIATIONS WITH KAHUA RANCH AND NA MAKANI MOA E KU, LLC, ON THE KAHUA FAST-RESPONSE HYDRO PROJECT," was referred to the Committee on Consumer Protection & Commerce with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1431), recommending that H.C.R. No. 260, as amended in HD 1, 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.C.R. No. 260, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO GRANT A WAIVER ALLOWING HAWAII ELECTRIC AND LIGHT COMPANY TO CONTINUE ITS NEGOTIATIONS WITH KAHUA RANCH AND NA MAKANI MOA E KU, LLC, ON THE KAHUA FAST-RESPONSE HYDRO PROJECT," was referred to the Committee on Consumer Protection & Commerce with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1432), recommending that H.R. No. 213, 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.R. No. 213, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO REQUIRE ALL MOTOR VEHICLES TO USE THEIR HEADLIGHTS WHILE DRIVING IN THE CAPITOL'S PARKING STRUCTURE," was referred to the Committee on Judiciary with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1433), recommending that H.C.R. No. 245, 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.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO REQUIRE ALL MOTOR VEHICLES TO USE THEIR HEADLIGHTS WHILE DRIVING IN THE CAPITOL'S PARKING STRUCTURE," was referred to the Committee on Judiciary

with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1434), recommending that H.R. No. 240, 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.R. No. 240, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF TAXATION UNDERTAKE A STUDY TO DETERMINE THE FEASIBILITY OF EXEMPTING FROM THE GENERAL EXCISE TAX IMPOSED UNDER CHAPTER 237, HAWAII REVISED STATUTES, LESS THAN CONTAINER LOAD SHIPPING TO THE ISLANDS OF THE COUNTY OF MAUI," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1435), recommending that H.C.R. No. 270, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF TAXATION UNDERTAKE A STUDY TO DETERMINE THE FEASIBILITY OF EXEMPTING FROM THE GENERAL EXCISE TAX IMPOSED UNDER CHAPTER 237, HAWAII REVISED STATUTES, LESS THAN CONTAINER LOAD SHIPPING TO THE ISLANDS OF THE COUNTY OF MAUI," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

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

(Stand. Com. Rep. No. 1436), recommending that H.R. No. 244, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1437), recommending that H.C.R. No. 273, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 244, and H.C.R. No. 273, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose in support of both measures, stating:

"On these two measures, in strong support."

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I stand in support of these two measures. As you know, traffic congestion is a major problem, negatively affecting the quality of life for thousands of residents who live in Ewa, and all of Leeward Oahu.

"The establishment of a ferry operation in Hoakalei's planned marina would be a wonderful and much-needed alternative form of transportation that would help to alleviate traffic congestion. The ferry would increase mobility, and get people out of their cars and to their downtown destinations efficiently.

"The ferry would also be providing a multi-modal transportation system needed in West Oahu in order to service this rapidly growing area. We believe that a ferry operation should be an integral part of that system.

"I urge your support of these measures and request that they be passed out of Committee, which would encourage the State Department of

Transportation to engage in and facilitate discussions with the City and County of Honolulu Department of Transportation Services, private developers, and other stakeholders to explore the possibility of establishing a ferry operation from the Hoakalei Resort and Marina to downtown Honolulu."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 244, entitled: "HOUSE RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused; and

H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF A FERRY SYSTEM FROM THE HOAKALEI RESORT AND MARINA IN EWA BEACH TO DOWNTOWN HONOLULU," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1438), recommending that H.R. No. 247, 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.R. No. 247, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE EACH HOLDER OF A CONCESSION CONTRACT AT A STATE AIRPORT TO GIVE FIRST RIGHT OF REFUSAL TO LOCAL VENDORS TO SUPPLY GOODS, WARES, MERCHANDISE, AND SERVICES TO THE CONCESSION," was referred to the Committee on Economic Revitalization, Business, & Military Affairs with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1439), recommending that H.C.R. No. 276, 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.C.R. No. 276, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE EACH HOLDER OF A CONCESSION CONTRACT AT A STATE AIRPORT TO GIVE FIRST RIGHT OF REFUSAL TO LOCAL VENDORS TO SUPPLY GOODS, WARES, MERCHANDISE, AND SERVICES TO THE CONCESSION," was referred to the Committee on Economic Revitalization, Business, & Military Affairs with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representatives Souki and Morita, for the Committee on Transportation and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1440), recommending that H.C.R. No. 208, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 208, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I just need to request a ruling on a potential conflict of interest. Better Place, which is a marketer of electric cars, is a client of my wife's firm. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 208, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE

ELECTRIFICATION OF ENERGY-EFFICIENT TRANSPORTATION SYSTEMS IN HAWAII," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1441), recommending that H.R. No. 235, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 235, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE CABLE TELEVISION DIVISION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was referred to the Committee on Legislative Management with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1442), recommending that H.C.R. No. 265, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE CABLE TELEVISION DIVISION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was referred to the Committee on Legislative Management with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented two reports:

(Stand. Com. Rep. No. 1443), recommending that H.R. No. 190, as amended in HD 1, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1444), recommending that H.C.R. No. 221, as amended in HD 1, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 190, HD 1, and H.C.R. No. 221, HD 1, be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 190, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A SUNRISE ANALYSIS FOR THE REGISTRATION OF PET DEALERS IN HAWAII," was referred to the Committee on Judiciary with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused; and

H.C.R. No. 221, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS FOR THE REGISTRATION OF PET DEALERS IN HAWAII," was referred to the Committee on Judiciary with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1445), recommending that H.R. No. 251, 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.R. No. 251, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO STREAMLINE THE EVICTION PROCESS TO CONFORM TO FEDERAL GUIDELINES," was referred

to the Committee on Judiciary with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1446), recommending that H.C.R. No. 279, 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.C.R. No. 279, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO STREAMLINE THE EVICTION PROCESS TO CONFORM TO FEDERAL GUIDELINES," was referred to the Committee on Judiciary with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1447), recommending that H.R. No. 121, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 121, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was referred to the Committee on Tourism, Culture, & International Affairs with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1448), recommending that H.C.R. No. 150, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was referred to the Committee on Tourism, Culture, & International Affairs with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1449), recommending that H.C.R. No. 92, 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.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, SHERIFF DIVISION, AND TO REPORT ON THE SUITABILITY OF THE ADMINISTRATIVE ORGANIZATION OF THE DEPARTMENT OF PUBLIC SAFETY AND SHERIFF DIVISION," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1450), recommending that H.R. No. 169, 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.R. No. 169, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was referred to the Committee on Finance with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

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

(Stand. Com. Rep. No. 1451) recommending that H.R. No. 87, be adopted; and

(Stand. Com. Rep. No. 1452) recommending that H.C.R. No. 108, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 87, and H.C.R. No. 108, be adopted, seconded by Representative Evans.

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

"Unfortunately, I need to vote against 1451 and 1452. And, I have some comments that last night, a bunch of Veterans asked me to read. What these resolutions do, is urge the State of Hawaii to change the street name of Fort Barrette Road in the Kapolei/Ewa area to Kualaka'i Road.

"In 1999, many attempts were made by Hawaiian activists to change the names of the streets at the former Barbers Point Station, to all Hawaiian names, after succeeding in changing the name of the area to Kalaeloa.

"Veterans groups, members of Ewa, Ewa Beach, Makakilo, and Filipino residents voiced opposition. Filipinos were sensitive to keeping those historic World War II street names, as many were relevant to the battles in the Philippines, such as Corregidor, Bataan, and the Philippine Sea.

"The Barbers Point Redevelopment Commission did not rename the street names. In 2000 and 2001, activists introduced these bills to change the street names again, and again the people rallied opposing changing the street names. Former Representatives Romy Cachola and Ezra Kanoho, both held their versions of these bills in their Committees.

"Fort Barrette was named after a General during World War II. He was a General who served honorably in the United States Army, and for whom a fort was named that protected the coast of the Island of Oahu from any ship-borne invasion. It was a fort that suffered casualties, as a result of an attack on American soil by the Japanese.

"According to many of the Veterans that have been emailing me, and this is all last night, and I've talked to the introducers. I'm sure they reviewed some of this information as well. The reason why this is such an important area to a lot of the Veterans, at least in my community in Ewa Beach, and why they've been calling me is, Fort Barrette Road saw action on December 7th, 1941, when the roadway was destroyed by Japanese Zeroes and 'Val' dive-bombers during the attack on Pearl Harbor.

"This attack on Fort Barrette, an Ewa Field Marine Base, lasted only one hour in a series of three waves. This area of Oahu saw more continuous strafing than any other area during the Pearl Harbor raid, due to the fact that the Japanese air units used this Ewa area for their staging and regrouping point.

"So, as you can imagine, there are a lot of people who don't want to see the name changed, and just asked me today to voice their opinions for them."

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

"Mr. Speaker, in opposition, and I thank my colleague from Ewa Beach for pointing out those facts. With respect to the Veterans and the history of Hawaii, I'm asking my colleagues to vote 'no' as well. Thank you."

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

"Mr. Speaker, I also rise in opposition. Mr. Speaker, like most people, all of us generally don't have Floor debate as a time to make up our mind. Sometimes we don't even listen, but this time I think it's pretty convincing,

the debt of gratitude that we owe Filipino Veterans. This is just one small gesture that we could have to say, 'Yes, we remember you because you remember the street as it was.' And all the other streets, if they want to be Hawaiian, fine, but if this is the one exception, I think we should agree with that out of respect for them. Thank you."

Representative Sagum rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In support. I think the person who testified, the Hawaiian consultant who testified at the hearing, correctly identified how the canoes came from Tahiti, and they landed in this area. And, he really talked about a lot of cultural aspects of what the land holds, and why the name is appropriate. Thank you."

Representative Evans rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support. One of the comments from the Minority Floor Leader really struck me, and that is that this was former Barbers Point, that it's now returning to the people. And I believe that this discussion is a really good one on what is the future of Barbers Point, and what does it really mean to return it back to the people.

"I do honor veterans. I was the former Chair of Military Affairs. I believe we should honor them continually, and it could be very appropriate to have a memorial out there for Fort Barrette. There were all kinds of veterans who actually served there, and all the armed services should be honored out there. This Body could definitely support memorials, but I believe the Representative from Kauai really pointed out there's a huge history to that area, far before the military ever came there. So I strongly support this Resolution. Thank you."

Representative Pine rose to respond, stating:

"Thank you. And again, this is not to disrespect the Hawaiian community at all. I think Pearl Harbor is probably one of the most significant events that ever happened in this past century, and one of the top monuments in the world that people visit in terms of a war area.

"There's currently a petition to the United States, and to the President to make this very same area another memorial. I guess it's just a clash between cultures right now. And that's why in voting 'no.' I feel that we should tread a little lighter on this, and have a little bit more community discussion within the communities that are affected, with the Hawaiian groups and the Veterans groups. Because even if this passes today, it's like the whole House of Representatives is saying that we don't want it to be called Fort Barrette Road anymore."

Representative Carroll rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In support. I wasn't going to speak on these Resolutions since I don't sit on the Transportation Committee. However, I was raised in Ewa Beach, and like my good colleague from Kauai said, the information that was provided in the Committee, there's a lot of history.

"If we're going to do memorials, let's talk about the host culture that's always forgotten. Let's go back to when our ancestors were first ones here. So, Mr. Speaker, with my whole heart, I ask that this Body supports these Resolutions. Thank you."

Representative Tokioka rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support. I too do not sit on the Transportation Committee, but the Kauai delegation from the House of Representatives was invited to the Hawaiian Civics Clubs Convention on Kauai this past summer. At that convention, this was one of their number one priorities for the thousands of members of the Hawaiian Civic Clubs throughout this State. So, Mr. Speaker, again, in strong support. Mahalo."

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

"Thank you. Mr. Speaker, in opposition. I thank the Representative from Ewa Beach for bringing this to my attention, and I think we should remember General Barrette. I do not want to disrespect the host culture. Perhaps we can name Kualakaka'i Road on another street, or a school, or some other fitting place, like a park. So, I think we can 'have our cake and eat it too'. Thank you."

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

"Thank you, Mr. Speaker. I just wanted to rise with strong reservations, because to me, what I've always felt in our beautiful culture, one of our attributes, one of the strengths of our culture is that we are always able to accommodate and blend. To me, history is all about everybody. It's about everybody, and definitely our host culture. Hopefully we can coexist. It's one of our strengths. Thank you."

Representative Har rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support of the Resolutions. Mr. Speaker, Fort Barrette was originally known as Fort Kapolei. The construction of Fort Kapolei was opposed by both the Honolulu Chamber of Commerce and civilian contractors, but not withstanding this opposition, the Army Corp of Engineers proceeded with its construction.

"Fort Kapolei eventually had its name changed to Fort Barrette in 1934, after Brig. General John Barrette. However, little is really known of Brig. General John Barrette. Changing of the name Fort Barrette to Kualaka'i is not proposed out of disrespect or disloyalty. Instead, the Resolutions were introduced out of respect for the land. The street referred to as Fort Barrette was an ancient Hawaiian trail for over 1,000 years. As the State formally changed the name of Barbers Point to Kalaeloa upon the closure of Barbers Point, many in my district believe it is appropriate to change name of Fort Barrette Road to Kualaka'i Road, to celebrate the rebirth and renewal of our new great City of Kapolei.

"As we designate the names of our streets, we must consider what would best honor Hawaii's history. Moreover, I do remind the opponents of this measure, that the Department of Transportation in its testimony stated that it would be willing to rename Fort Barrette Road, provided that the community supported the proposed new name change. Community members have voiced opinions, both for and against the name change. All opinions on the issue are welcome and necessary to continue the dialog on how best to preserve the rich cultural and military history of Kapolei.

"It is my hope we can work together as a community to reach consensus on how best to preserve our history. Until consensus can be reached, the street name will not be changed. Hawaiian Civics Clubs who had been working to *malama* the land, hope that the opponents of these Resolutions will work with our Hawaiian Civics Clubs towards this endeavor.

"Finally, Mr. Speaker, symbolically, *ulu* refers to rebirth or life renewal. Kapolei is a growing city. This name change will help define the future of Kapolei as its growth as a new city. Thank you, Mr. Speaker."

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

Representative Carroll rose in support of both measures and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HR87/HCR108.

"In addition to my comments made on the House Floor, I would like to submit comments made from a constituent, Mr. Earl Arakaki regarding the reasons that the name, Ft. Barrette Road, should not be changed. His

arguments are as follows of which I am in agreement and offer my colleagues to consider:

I rise in opposition to HR87 that changes the name of Fort Barrette Road [1] to Kualakai. This resolution has nothing to do with just changing a name, it is an attempt to change the history of the area. We have all ready changed historic names like Barbers Point and Dillingham Airfield when will we stop trying to erase history?[2]

Fort Barrette was one of a series of Forts that defended Pearl Harbor from enemy warships. Before the advent of radar, large naval guns depended on lines of position to determine the range of a target. Fort Ruger, Fort DeRussey, Ft. Kamehameha, Ft. Weaver and Fort Barrette all provided line of sights to provide to the gunners a range at which to fire their 16 inch guns. They served us well since because of this defense, Pearl Harbor was never attacked by warships. During the attacks on Pearl Harbor by enemy aircraft, Fort Barrette defended Ewa Marine Corps air Station with it's anti aircraft battery and at least one soldier was killed at Fort Barrette by Japanese aircraft while defending the airfield.

Fort Barrette Road served the fort by allowing for the movement of men and ammunition from the nearby Oahu railroad. Without the existence of Fort Barrette Road, the Fort itself could not have survived or performed it's function of defense. The road is as historic as the Fort itself and has served with honor since the early 1920s.

To now change the name is to dishonor our valiant men and women who are serving and dying in 2 wars, the one in Afghanistan and in Iraq. There is a saying in the military ³'leave no one behind.'² Not only does this apply to bodies on the battlefield but also to the memory of those killed in battle in the defense of our country. Fort Barrette and Fort Barrette Road honor those brave men and women who are now just memories to their loved ones. [3] Many soldiers, sailors and marines and airmen have fought and died in the wars we face today and some have earned our highest military honor, the United States Medal of Honor, are we to disrespect them today by changing the name of a historic road? We have honored them in this very body with a state medal of honor and proclamations from our legislature was that gesture so meaningless that at the first opportunity we alter history to which they were a part of?

HR87 even states that ³Kualakai was a trail that paralleled Ft. Barrette Road.² It never connected with Fort Barrette Road and yet we seek to change the name just because Fort Barrette Road happens to be nearby and is a military name. Why do we not show respect for both names and seek a trail marker and monument for Kualakai trail rather than erase one history for another.

At the House Transportation Committee hearing on April 1, 2009 there were 16 people who provided testimony opposing the street name change. One group in opposition was the Oahu Veterans Council that has 35 veterans organizations with 80,000 member veterans. At the Committee hearing there were only 2 that gave testimony in favor of the change. Why do we hold hearings if we are not going to side with the majority?

If we change the history that is Fort Barrette Road why should we not change all other roads named for the military like, Fort Weaver Road, Fort DeRussey and even Nimitz Highway?

I ask that particularly at this time when our men and women are dying for our freedoms that they not be dishonored. Let us work together to remember both Kualakai and Fort Barrette rd. and not choose one over the other.

Please vote no for HR87.

NOTES

[1] Fort Barrette Road, named after United States Army Brigadier General John D. Barrette.

[2] Such as was done by the 2001 Legislature which approved the changing of the name of Dillingham Airfield, to Kawaihapai. Dillingham Airfield was named honoring World War Two Captain Henry Gaylord Dillingham, Captain Dillingham was not simply the son of Walter H. Dillingham, and Grandson of Benjamin Dillingham, he was much more. Captain Dillingham was a B-29 pilot who was killed in action over Kawasaki, Japan on July 25, 1945, giving his life defense of our country.

[3] who trained at the former Naval Air Station Barbers Point, now renamed Kalaeloa, for many the last sight of United States soil prior to being sent of to World War II in the Pacific, Korean War, and Viet Nam, never to return."

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

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with strong reservations to H.C.R. 108 – Urging the State of Hawaii To Change The Street Name of Fort Barrette Road To Kualaka'i Road. As Founder of the Heritage Caucus I have a great appreciation for history and heritage and believe in the accurate portrayal of past events. However, let us beware that while this particular site is sacred and perhaps worthy of a name change, future street changes should scrutinized, handled on case-by-case basis with close and careful attention to history.

"Both Hawaiian history and American history are important, and deserve a place in our books, schoolrooms, and yes, even our street signs. Fort Barrette served an important role in Oahu's defense up to and following World War II. Though the Fort itself no longer exists, its contribution is remembered only by this short stretch of road called Fort Barrette Road. Changing the name of Fort Barrette Road will erase the last traces of the service and sacrifice of those who served at Fort Barrette in times of national need. Therefore, I agree that a statue or other signage is in order to preserve the memory of Fort Barrette. One of the most important things about history is that it is preserved and protected for future generations and I have concerns that this measure may open up the flood gates for the changing of street signs across the State, beyond Kapolei.

"Additionally, we must ask the question, is this the right time to be implementing changes to street names? Are there other ways to honor the many histories of places? In changing street signs, maps will need to be changed, stationery, etc. and there are costs to all of this. To be considered is that the State's economy is in a downturn. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII TO CHANGE THE STREET NAME OF FORT BARRETTE ROAD TO KUALAKA'I ROAD," was adopted, with Representatives Cabanilla, Finnegan, Marumoto, Pine and Ward voting no, and with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro, Saiki and Takai being excused; and

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO CHANGE THE STREET NAME OF FORT BARRETTE ROAD TO KUALAKA'I ROAD," was adopted, with Representatives Cabanilla, Finnegan, Marumoto, Pine and Ward voting no, and with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro, Saiki and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1453) recommending that H.R. No. 128, as amended in HD 1, be adopted.

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

128, HD 1, entitled: "HOUSE RESOLUTION URGING THE REAL ESTATE COMMISSION TO CONSIDER ALLOWING DEVELOPERS AND ATTORNEYS TO SUBMIT CONDOMINIUM REGISTRATION FILINGS IN ELECTRONIC FORMAT," was adopted, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro, Saiki and 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 certain Senate bills for Third Reading by consent calendar. (Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai were excused.)

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1454) recommending that S.B. No. 936, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 936, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HEALTH CERTIFICATES," passed Third Reading by a vote of 45 ayes, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1455) recommending that S.B. No. 1065, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1065, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading by a vote of 45 ayes, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai being excused.

At 1:02 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 936
S.B. No. 1065, SD 2, HD 1

At this time, the Chair stated:

"Members of the House, please note the 48-hour notice for Standing Committee Report No. 1456 as listed on page 9."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1456) recommending that S.B. No. 1677, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1456 on S.B. No. 1677, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1677, SD 1, HD 2, were made available to the members of the House.

THIRD READING

S.B. No. 298, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 298, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 45 ayes, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai being excused.

S.B. No. 574, SD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 574, SD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose in support of the measure, stating:

"Mr. Speaker, in strong support."

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

Representative Ward's written remarks are as follows:

"Mr. Speaker, thank you for the opportunity to offer my support for Senate Bill 574 Senate Draft 1, which would extend the condominium dispute resolution pilot project until June 2011.

"Mr. Speaker, the program has demonstrated considerable success in being able to resolve disputes within condominium associations. Hawaii Kai has numerous such associations, providing my community with the ability to better resolve issues that could otherwise only be handled through expensive legal action. I think this program is a great example of government working to provide a positive service to the community. I believe that this program should be extended to provide a further benefit to our state, perhaps one day leading to a full scale program. With that, I offer it my full support.

"Thank you for this opportunity to offer my support to this measure."

The motion was put to vote by the Chair and carried, and S.B. No. 574, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 45 ayes, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai being excused.

S.B. No. 92:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 92, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 45 ayes, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai being excused.

S.B. No. 1113, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1113, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC LIMITATIONS ON TIME SHARES," passed Third Reading by a vote of 45 ayes, with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai being excused.

At 1:04 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 298, SD 1
S.B. No. 574, SD 1
S.B. No. 92
S.B. No. 1113, SD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a certain House bill for Final Reading by consent calendar.

(Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai were excused.)

Representative B. Oshiro moved to agree to the amendments made by the Senate to House Bill No. 520, HD 1, seconded by Representative Evans and carried. (Representatives Awana, Keith-Agaran, McKelvey, Nishimoto, M. Oshiro and Takai were excused.)

FINAL READING**H.B. No. 520, HD 1, SD 1:**

Representative B. Oshiro moved that H.B. No. 520, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I guess this is the last time that I will rise, still in lonely opposition. Just two reasons why I oppose House Bill 520, House Draft 1, Senate Draft 1. It's a repeal of the Act. And I've said this before, that I'm truly in support of revising it, or amending it. But in repealing the Act, I'm not sure that we recognize also what this means.

"In conversation with people who are still building, and in conversation with SHPD further understanding of how to implement Act 228 resulted in much change, and making sure that the problems that initially started, because of the way it was being interpreted, are no longer there. I've had architects come up to me and say that 'now things are whizzing through. It's okay.

"Number two, I think this was said in the *Honolulu Advertiser* by an architect, that it's hard when there's not a single photograph to even record the history of some of these buildings that are truly unique within the world, because they are a blend. That is again, our legacy. It's our blend. There is nowhere else in the world; where you might find a complete blend. There is Japanese architecture in Japan, or European architecture in Europe. But nowhere else in the world is it the blend. It's kind of like our President. He's a blend. That's what makes him kind of intriguing too.

"So, the thing is, lastly, what was relayed to me was that the State of Hawaii is very remiss in what they call, surveying and having a record, as compared to other regions in the U.S. And that is one of the reasons why we cannot apply for certain grants, because we don't have this adequate inventory, and this would add to that. So, basically, we're saying 'no' to more money.

"So, with that, that's my final speech. Thank you."

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

"Mr. Speaker, I rise in opposition. I believe that Act 228 could have been amended to just limit it to significant historical buildings, as opposed to a total repeal. I'm passionate keeping the Act, because I have a historical district. I hope that when we bring this matter back again, that we could put in the right language, so we can go on with historical preservation. Thank you, Mr. Speaker."

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

"In opposition. Just wanted to explain my 'no' vote briefly. I think we lose a lot by not taking photographs of older buildings that we're knocking down, for one reason or another. I think we're 'throwing the baby out with the bathwater'. The original bill did have serious flaws, but considering the ease with which you can take pictures now with digital cameras and the importance of remembering our heritage through architecture, as well as in other ways, I think we would have been better off just amending, as opposed to repealing it completely. Mahalo."

The motion was put to vote by the Chair and carried, and H.B. No. 520, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO

BUILDINGS," passed Final Reading by a vote of 43 ayes to 3 noes, with Representatives Cabanilla, Ching and Rhoads voting no, and with Representatives Awana, Keith-Agaran, McKelvey, Nishimoto and Takai being excused.

At 1:10 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 520, HD 1, SD 1

At 1:10 o'clock p.m. Representative Carroll requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

At this time Representative Carroll moved to suspend the rules to recall Senate Bill No. 1085, SD 2, HD 1, seconded by Representative Shimabukuro.

At 1:11 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:16 o'clock p.m.

At this time, the Chair stated:

"Prior to the recess, Members of the House, there was a motion that was to suspend the rules to recall a measure out of a particular Committee. So, the main motion before this Body is to suspend the rules, which is a non-debatable procedural motion.

"I shared with the Majority Caucus and the Minority Caucus, that we will be doing a roll call vote on this, so we don't have to do a division of the House. This is not going to be a voice vote. So, for those who support the suspension of the rules, you will vote 'aye.' For those who do not support the suspension, vote 'nay.'

"So, Representative Aquino, being the first Member that will be called upon, you know the script. I just want to make sure you are awake. You're awake. So, Madam Clerk, at this time, please call the roll."

At this time the Chair called for a roll call vote and the motion to suspend the rules to recall S.B. No. 1085, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CEDED LANDS," was put to vote by the Chair and failed to carry on the following show of Ayes and Noes:

Ayes: 15: Belatti, Berg, Bertram, Brower, Carroll, Ching, Coffman, Finnegan, Hanohano, C. Lee, Luke, Pine, Saiki, Shimabukuro and Thielen.

Noes: 28: Aquino, Cabanilla, Chong, Choy, Evans, Har, Ito, Karamatsu, M. Lee, Magaoay, Manahan, Marumoto, Mizuno, Morita, Nakashima, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Souki, Takumi, Tokioka, Tsuji, Ward, Wooley, Yamane and Yamashita.

Excused: 8: Awana, Chang, Herkes, Keith-Agaran, McKelvey, Nishimoto, Takai and Wakai.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, from time to time, I rise to bring some international event or news. As we know, President Obama is now in Europe, and tomorrow, the 4th of April marks Liberation Day for Hungary. Hungary, in 1945 was liberated from the Nazis.

"And, the other significant event is that Hungary led the fall of communism by opening its border with Austria, in 1989. The last thing that we should note is that Budapest is the 15th most popular destination in

the world. Next to Hawaii, of course. There's no comparison, but it's a beautiful city. Thank you, Mr. Speaker."

Representative Brower: "Thank you, Mr. Speaker. I have an important birthday announcement for one of our Representatives today. I didn't want to make this announcement, because I would have to admit to being his friend, so I asked 49 other legislators, and they all turned me down, Mr. Speaker.

"This is a big birthday announcement. He's the Representative who put the letters ME in the word, 'metrosexual'. And he put the letters ME in the phrase, 'What's in it for me?' When he's not in the Chamber, he's upstairs sharing makeup tips with his staff. We're used to seeing this Representative in drag, and today he's wearing his favorite pink shirt and matching boxers. A big hand for Representative Scott Nishimoto, please."

Representative Morita: "Thank you, Mr. Speaker. I think lunch is still being served in Room 329. I'm not sure if the honorees are still there, but I think we have food. Thank you."

ADJOURNMENT

At 2:23 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 Monday, April 6, 2009. (Representatives Awana, Chang, Herkes, Keith-Agaran, McKelvey, Nishimoto, Takai and Wakai were excused.)

HOUSE COMMUNICATION

House Communication dated April 3, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 250, HD 1, SD 1