

## TWENTY-SIXTH DAY

Tuesday, March 8, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 8:39 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Dr. Saleem Ahmed, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Souki, Stonebraker and Takumi, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 24 through 29) were received and announced by the Clerk:

Sen. Com. No. 24, transmitting S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STATEWIDE STRATEGIC PLAN TO PROMOTE OBESITY PREVENTION AND HEALTHY LIFESTYLES," which was adopted by the Senate on March 4, 2005.

Sen. Com. No. 25, transmitting S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF JANUARY AS CERVICAL CANCER AWARENESS MONTH," which was adopted by the Senate on March 4, 2005.

Sen. Com. No. 26, transmitting S.B. No. 117, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 4, 2005.

Sen. Com. No. 27, transmitting S.B. No. 760, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 4, 2005.

Sen. Com. No. 28, transmitting S.B. No. 797, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which passed Third Reading in the Senate on March 4, 2005.

Sen. Com. No. 29, transmitting S.B. No. 956, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," which passed Third Reading in the Senate on March 4, 2005.

On motion by Representative B. Oshiro seconded by Representative Meyer and carried, the following Senate bills passed First Reading by title and further action was deferred (Representatives Hiraki and Souki were excused.):

S.B. No. 117	S.B. No. 797, SD 1
S.B. No. 760, SD 1	S.B. No. 956, SD 1

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENT

The following concurrent resolution was re-referred to committee by the Speaker:

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

73	Committee on International Affairs and the Committee on Health, then to the Committee on Judiciary
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## UNFINISHED BUSINESS

Representative M. Oshiro moved that H.B. No. 1277, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.B. No. 1277, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was recommitted to the Committee on Finance, with Representatives Hiraki and Souki being excused.

## SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering House bills on Third Reading on the basis of a modified consent calendar. (Representatives Hiraki and Souki were excused.)

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 817) recommending that H.B. No. 606, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 606, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Excuse me, Mr. Speaker. I'm rising in opposition to Stand. Com. Report No. 817. Let's say I'm going with strong reservations. My concern is that this is reducing the ECGs; these are 'eligible customer generators'. The existing law that we have in the books says that an electric company will buy back from anybody that produces electricity in amounts of at least ten kilowatts and above. Its major purpose is to require that the electric company buy back power from smaller generators, from people that generate under 10 kilowatts. This means a lot more people will be connected to the grid. At the Committee hearing, there were people in the electric business, not just utility companies but the electrical engineers, that had concerns about the problems that could be experienced with all these small generators hooking on. So that's my major concern. Thank you."

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

"I wish to indicate my reservations as well, for the reason that this would be tantamount to all these rate payers subsidizing those who provide their own systems."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR NET METERED RENEWABLE

ENERGY SYSTEMS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 818) recommending that H.B. No. 1018, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1018, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 819) recommending that H.B. No. 1166, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1166, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I rise in support. In regards to mechanics liens, Hawaii's current law requires that any person or association of persons furnishing labor or material in the improvement of real property shall have a lien upon the improvements, as well as upon the interest of the owner of the improvement in the real property. The law requires that an Application and Notice setting forth the amount of the claim, the labor or material furnished, and a description of the property be filed not later than forty-five days after the date of completion of the improvement against which it is filed.

"It is a custom of the construction industry where the contractor and owner of the property agree to a conditional lien release because the owner wants to ensure that there are no unknown material or services to the improvements. However, this situation leaves the contractor who signed a conditional lien release and did not receive his final payment from the owner without any lien right.

"To address this problem, House Bill 1166 provides an additional twenty days for the contractor to file a mechanics lien in a situation where the contractor has given a conditional release and the owner inspects his property improvements but still does not make final payment to the contractor. Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MECHANIC'S LIENS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 820) recommending that H.B. No. 1154, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1154, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"In cautious support of 820. I support the industry. I have friends and constituents that do a great job in producing honey. But we do have to be careful for health purposes. Honey that's not processed completely and carefully watched can cause botulism in infants and one year-olds. So, I think that it will be just important from a health standpoint that we monitor the product. 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. 1154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 821) recommending that H.B. No. 1449, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1449, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 822) recommending that H.B. No. 835, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 835, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 823) recommending that H.B. No. 1756, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1756, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 824) recommending that H.B. No. 1707, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1707, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

At 8:48 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 606, HD 1; 1018, HD 2; 1166, HD 1; 1154, HD 1; 1449, HD 1; 835, HD 2; 1756, HD 2; and 1707, HD 2; passed Third Reading.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 825) recommending that H.B. No. 1051, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1051, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 826) recommending that H.B. No. 887, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE INQUIRIES," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 827) recommending that H.B. No. 164, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 828) recommending that H.B. No. 919, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 919, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 829) recommending that H.B. No. 862, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 862, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 830) recommending that H.B. No. 868, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 868, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 831) recommending

that H.B. No. 1173, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1173, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE NOISE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Chang and Karamatsu voting no, and Representative Souki being excused.

At 8:48 o'clock a.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 8:51 o'clock a.m.

At 8:52 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1051, HD 2; 887, HD 1; 164, HD 1; 919, HD 1; 862, HD 2; 868, HD 2; and 1173, HD 2; passed Third Reading.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 832) recommending that H.B. No. 1450, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1450, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"This is a gender identity type of bill. I'm speaking in opposition. Thank you, Mr. Speaker. I'm trying to figure out how do you determine the gender identity, sexual orientation. You know we've talked before about the gender identity, self-image type of thing. I don't know how we define it. So, I'm afraid that people are going to be caught up and claim to be in violation without really understanding what they're talking about. It just seems like we're making more and more classes. And I think you know we just have a law that says, 'no discrimination,' period. You should not discriminate for any reason. But now we're breaking out individual classes. So next it'll be, you know, the guy's too tall, or too short. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I will be voting no on this measure. I would like to draw your attention and the attention of the Members to the bill itself. This adds a specific classification to the discrimination clause here including gender identity or expression. In section 2 of the bill it says the gender identity or expression includes a person's actual or perceived gender. In other words Mr. Speaker, if I have a construction company and one of my worker's decides to show up in a dress, I cannot fire them, I cannot take any action. If I have a company where an employee decides to use the women's bathroom when in fact he is a male, I can do nothing about that. This will hurt my business. It will hurt my profit line. It will hurt everything about what I am doing. I will have no recourse. In other words, I can't do anything.

"And in the past Mr. Speaker, the word discrimination was a good thing. You could be a discriminating person; you could have discriminating tastes; you could see what is appropriate

and what is not appropriate. And this is a case in which we are barring appropriateness, Mr. Speaker, and I would encourage Members of the Body to vote no."

Representative Kahikina 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. 1450, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Finnegan, Meyer, Moses and Stonebraker voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 833) recommending that H.B. No. 106, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 106, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 834) recommending that H.B. No. 1201, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1201, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'm in support of this bill with a lot of reservations. What I would like to see is the report from H.B. 1082, that's the study for the abatement of agricultural theft. Thank you."

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

"Thank you Mr. Speaker. On the same measure, I stand in strong support. If I may just say a few words, Mr. Speaker, because it's very important. This is a very important measure, Mr. Speaker, as we know.

"The farmers are very much concerned about this issue. Colleagues, agriculture theft and vandalism is ongoing. Mr. Speaker, it is very, very complex and the most frustrating problem for farmers and ranchers statewide. Estimates show that this problem is costing the agricultural industry over \$1 million a year. While this bill may not resolve this issue entirely or completely. I believe very strongly that this measure will provide prosecutors and the police an extra tool to assist in the prosecution of agricultural crimes.

"It is true that prosecuting of agricultural theft has been very, very difficult as has always been the complaint by our enforcement officers over the years. What they have found, Mr. Speaker and colleagues, according to their testimony, is that it is very difficult to prosecute for items that vary in value, be it for retail or wholesale, or ripe or unripe fruits. But adding the weight requirement that is specific in this measure will eliminate the complexity and the burden placed on the prosecutors and the police.

"So, Mr. Speaker and colleagues, this problem is widespread. That what we are trying to accomplish here is attempting to

address it seriously and aggressively by strengthening the language that if a person is in possession of agricultural goods without a certificate or receipt, it's evidence that the person acknowledges that the products are stolen. So, this is just one of our four measures, Mr. Speaker and colleagues, that we are trying to push forward this Session relating to agricultural crimes. So as I mentioned, this bill is a work in progress and I urge your support for further discussion. Thank you."

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

"Thank you Mr. Speaker, in support. Not only do I have the privilege of representing the vast city in the growing bright spot of Kapolei, but we have also vast areas of agricultural land. Large areas, but shrinking areas, unfortunately. But many of the farmers there have the problem of agricultural theft. As you've heard the previous speaker say that it's to the tune of about of a million dollars a year. They don't just have one person coming by and grabbing a fruit or a vegetable. They have trucks going in and just a couple of guys just throwing anything they can find in there. It's amazing the amount of theft that goes on. And then they go to the side of the road and sell it, or even to the swap meet. So, I think these certificates are a very good idea. 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. 1201, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 835) recommending that H.B. No. 1202, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1202, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of House Bill 1202 HD2.

"The purpose of this bill is to deter trespassing on agricultural lands by providing that a person commits the offense of criminal trespass in the second degree if the person, without permission from the property owner, enters cultivated or uncultivated agricultural land when no-trespass signs are posted along all exterior boundaries and at all roads and trails entering the property.

"Increased drug trafficking has paralleled increased agricultural crime in our farms. The safety of our farmers, workers and families and solvency of their business is in threat. While the scope of problem ranges from trespass to arson, theft, and vandalism, the initial violation is trespass. Perpetuators are often apprehended by current trespass laws that requires the perpetrator be given a warning on the first offense, the warning must be documented, and if possible, the picture of the perpetrator taken. While this requirement may be practical in malls, office buildings or large organizations with security personnel, it becomes a challenge for a farmer. Farmers are often alone, checking their fields when coming across a perpetrator. If he has a cell phone, he is able to call the police. However, timely response by the police department is unlikely

as the police have other higher priority crimes that they need to pursue such as crimes that can result in arrest and prosecution and not just a warning. Apprehension by our farmers may jeopardize their safety.

"I therefore strongly support House Bill 1202, HD2 which declares that a person commits the crime of criminal trespass in the second degree if a person enters another person's cultivated or uncultivated agricultural land, that is enclosed by a fence or posted with signs forbidding trespass without permission. Because of the unique property use characteristics of agricultural operations, it needs special recognition in the law. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in opposition of this bill mainly for the protection of the innocent. I would hate to see people get criminalized by this Act because I think the bill needs to have more specific language in it. We are a State that there is a lot of people that doesn't speak English, and I think this will encourage foul play or criminalization of the innocent."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1202, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Cabanilla voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 836) recommending that H.B. No. 1639, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1639, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker, I rise in strong support of House Bill 1639 HD2.

"This bill protects qualified farmers by exempting them from civil liability for injuries and damages suffered by any person on a qualified farmer's agricultural land entering or remaining on the farmer's agricultural land without permission and commits, or attempts to commit, theft of agricultural equipment, supplies, or commodities on the agricultural land.

"Mr. Speaker, agriculture theft, vandalism and trespassing is one of the most complex and frustrating issues that has haunted the industry. It is estimated that farmers and ranchers lose over a million dollars every year due to theft or vandalism. Agriculture products are being stolen on a constant basis. It is equally or more devastating when equipment, supplies, fertilizers and chemicals are also being stolen from their property.

"Farmers and ranchers are continuously reporting cases of agriculture crime. Yet, we find our law enforcement personnel reluctant to respond, as prosecution is very difficult. As frustration builds within the wronged parties, the scene is ripe for unintended consequences. We feel it is important that ways to ensure that guilty parties are held responsible be identified and implemented.

"It has been widely recognized that farmers have more difficulties in protecting their goods than other types of businesses due to the fact that their goods are produced in the open. Economically feasible security safeguards are not available and more difficult to design for agriculture. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1639, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LIABILITY," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 837) recommending that H.B. No. 895, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 895, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This is a bill where the purpose is to protect seabirds and marine life from light pollution. It's very much like a bill we passed last year.

"As originally drafted, it would prohibit this only in special management areas; artificial lights that are positioned toward or directly illuminate the ocean. But as it's been amended now and it covers all shoreline, it's not just specified for special management. That's one problem I have.

"The other thing is it is not just directly in to the water, it's direct or indirect glare. The bill as presently written is too broad for this kind of action and there will be many possible enforcement problems.

"I have not seen any kind of studies that really document this problem as the bill and the introducers of it claim. And until I really see that there has been scientific documentation related to the shoreline of our Hawaiian Islands, I cannot support this idea. Thank you."

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

"Mr. Speaker, I'd like to express some reservations, in fact I will insert them in the Journal. Just briefly, they have to do with tightening up definitions in the bill. Perhaps we could think about it before the end of Session. Thank you."

Representative Marumoto's written remarks are as follows:

"I am voting for this measure, but would like to express my reservations as I do so. There are some definitions in Section 3 of this measure that are not crystal clear. One might say the vision is fuzzy.

"For instance, the term "direct glare" means the light that results from a light source shining into the viewers' eyes. Anyone who stands in front of a light may be subject to a direct beam and suffer from the glare. The intensity of the light is not specified, and it could even refer to a candle. The distance of the light from the viewers' eyes is not specified either – one foot or one mile.

""Directly illuminate" means to illuminate through the use of a glowing element, lamp, globe, or reflector of an artificial light source. The word "reflector" contradicts the term direct illumination and should, instead, refer to a beam of light that is bounced off a surface. That word, perhaps, should be deleted from this definition.

"Direct glare" means the light that emanates from objects that are too brightly lit. Again, one does not know to what "too brightly lit" refers. What is the intensity of the light and from what distance?

""Light trespass" is an interesting concept, and unless the light is in a closed box, will spill out everywhere. Even if the light is shielded, there may be "indirect glare" even across a property line.

"It is my hope that the Senate will "tighten up" these definitions. If not, then the Department of Land and Natural Resources will no doubt write rules to better identify these terms. Thank you, Mr. Speaker, for allowing me to outline my reservations."

Representative Chong 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 895, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Meyer voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 838) recommending that H.B. No. 1430, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1430, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to HB No 1430, HD 2, Relating to the Disposal of Solid Waste. I would support the bill if it excluded green waste and got rid of this 'snitch' provision.

"There are a number of things in the bill that trouble me. During the last storm on the Big Island, one of the major mac nut growers in Ka'u lost 15,000 trees. That's right, 15,000 trees. This will amount to a revenue loss over the next seven years of about \$10 million. But on top of this revenue loss, this bill puts him at risk of being charged with a felony. Because I'm sure that the downed trees were not disposed of in the manner described in the law. And losing so many mac nut trees in the storm is not new to Big Island mac nut farmers.

"In addition, many of us that live near forest land dispose of our tree trimmings in the adjoining forest to be recycled back to the forest. Or else we burn them for firewood. And while I think of it, burning these cuttings for firewood also seems to be in violation of this proposed law.

"The bill has just too many unintended consequences. In addition, the 'snitch' provision is very troubling and pits neighbor against neighbor. This is bad public policy. This bill

has good intentions, but too many provisions and lack of clarity for green waste. It has been said that it is not the intention of this law to go after these kinds of violations, but we should not be selective in the enforcement of our laws. Thank you, Mr. Speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1430, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Chang, Herkes, Karamatsu and Souki voting no.

At 9:06 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1450, HD 2; 106, HD 3; 1201, HD 2; 1202, HD 2; 1639, HD 2; 895, HD 2; and 1430, HD 2; passed Third Reading.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 839) recommending that H.B. No. 712, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 712, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 840) recommending that H.B. No. 1442, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1442, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. The purpose of this bill is to enable the public to easily and safely traverse shoreline areas by requiring each county to adopt ordinances mandating a subdivider or developer to dedicate land for public access by right-of-way or easement to implement lateral public access. The counties now do manage access to the shoreline with vertical access. This is an additional measure.

"While it talks about mandating subdividers and developers, it could easily in time, turn into all shorelines. And could be a taking of private property. Large landowners were concerned about this. It definitely would add expense to new subdivisions as they get built if this is a requirement. Mainly, my concern is

for the taking of private property that exists today. Thank you, Mr. Speaker."

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

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

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

"Thank you, Mr. Speaker. Briefly in support and for clarification. This bill is intended to prospectively, when there is an action on the part of a developer to proceed with a development of a subdivision, and not retroactively. Thank you."

Representative Souki 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. 1442, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LATERAL PUBLIC ACCESS," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Halford, Marumoto, Meyer and Moses voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 841) recommending that H.B. No. 98, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 98, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KAHULUI HARBOR," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 842) recommending that H.B. No. 1550, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 843) recommending that H.B. No. 883, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 883, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Yes, Mr. Speaker, I just wanted to stand in support with reservations. I'm voting on this bill only with the understanding as it was explained to me that the landlord would be given many notices regarding the illegal activity in the home. And they will have an opportunity to take care of the situation and not be suddenly forced to pay these fines. And I'm also voting in favor with the hope that we are first going to seriously make all intentions to go after the actual criminals first. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to Stand. Com. Report No 843. While I understand the reasons are good. We want to get rid of drug dealers and criminals in the rental market and in our neighborhoods. This seems to be a little bit heavy handed. Seven days doesn't give a landowner sufficient time to get rid of a tenant.

"It seems like there should be a much longer protracted process before we make the landlord guilty of these unlawful activities. Oftentimes, landlords don't live here. They're not aware of what's going on. They live in other parts of the island. Oftentimes, people that are even neighbors don't know what people are doing next door. Here we're jumping into the situation very quickly to make the landlord as guilty as the perpetrator."

Representative Luke rose, stating:

"Mr. Speaker, may I request a short recess, please?"

The Chair responded, stating:

"Let's let the Minority Floor Leader finish her statement first before we call a recess."

Representative Luke: "Point of order, Mr. Speaker. I think she may be discussing the first draft of the bill rather than the current draft."

At 9:11 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:15 o'clock a.m.

Representative Meyer continued, stating:

"Thank you, Mr. Speaker. I do appreciate that clarification from the Chair of Judiciary. While it may not be quite as bad as it was to start with, there still seems to be this emphasis on the landlord being the bad guy. And the bill provides for citizen suits where the landlord would be tried and the citizens would ask for non-economic damages, exemplary damages. I think the emphasis is in the wrong place. The landlord is not the bad guy. It's the tenant who was the drug dealer. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. Yes, the 7-day notice requirement is lifted, but we still have a problem with any person who brings this nuisance abatement action, may recover all of the following damages. And I want to point out that under the landlord-tenant agreements that we have in the State, a landlord cannot evict without proof that there is something going on. You can't just walk up to somebody and say, 'Move out this week.' You have to have some reason for doing that, especially if you have a long-term lease.

"But in this, the landlord would be liable for not only economic damages, which are well defined, including loss of productivity, absenteeism, support expenses, accidents or injury, but also non-economic damages and this is including but not limited to physical and emotional pain. Mr. Speaker, when we get into emotional pain and then it says we are going to get reasonable court costs. Emotional pain. How do we quantify

that? Suffering, physical, impairment and emotional distress, mental anguish, disfigurement. I can understand that part. Loss of employment, loss of companionship, services and consortium.

"What are we talking about? We're talking about maybe he's a drug dealer in an apartment and you want to get him out of there. Why are we talking about all of these emotional pain and suffering that the landlord has caused to other people?"

"And then exemplary damages also and of course, reasonable attorney fees, whatever reasonable means. And the cost of the suit, including, but not limited to reasonable expenses. What we're going to do here is put the landlord out of business. And Mr. Speaker, what we're looking at is increasing the housing for people on this island and this State. And this is going just the opposite way. Thank you, Mr. Speaker."

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

"Mr. Speaker, excuse my voice. I'm recovering from the 'Kailua flu'. So it's sounds as if it's dropped five octaves. Mr. Speaker, I was going to vote no on this bill, but I'm going to vote with reservations now.

"I fully support getting rid of the drug activities in our neighborhoods. We have had a number of those in the area where I represent and people have felt very frustrated because the police have, of course, had to get the evidence to be able to crack down and arrest the people.

"Many times that has been difficult for the police to do and yet the neighbors are very aware that drug activities are taking place, they're going on all hours of the night. I don't think this bill is correct in the way it goes about it because the landlord's hands are tied unless there's been an arrest. The landlord, if she or he evicts a tenant, under our landlord-tenant code, the landlord could be sued for evicting the tenant unless there is actual proof that there is drug activity going on.

"I'd be very glad to work with the Judiciary Chair on this. I spent five years as a Legal Aid attorney doing landlord tenant law and I pretty much have an extensive experience in this area of the law.

"I think we're all after the same thing. This bill doesn't quite get it right. And I'm hoping by the time it goes over to the Senate and we can weigh in and make suggestions for its improvement, then what will come back to us, I hope, will be a good bill. Thank you."

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

"Mr. Speaker, I'm a landlord. And I certainly do not want my tenants to be doing drug activities in my house. However, I have my reservations, because I don't see my properties all the time. And I don't see their neighbors all the time. And I would hate for you to read about me in the paper for something I do not know."

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

"Thank you, Mr. Speaker. I would like to rise in opposition. I would also like a ruling on a potential conflict. I am a landlord," and the Chair ruled, "no conflict."

Representative Finnegan continued, stating:

"Thank you. And I appreciate the intention of this bill and I believe that's a good intention. The problems that I have with the bill are the unintended consequences. For landlords nowadays we have to be very careful who we let on to our property or rent from us. This causes us a problem for us landlords because we start to look at whether or not they have a big family, whether or not they're going to possibly not take care of the home, and let's say if they have iffy credit but you want to give them a chance, you tend not to do that if you think that they could possibly come from a drug background. And it's the compassionate measures of a landlord that will allow people that may have made mistakes in the past for a landlord to say, 'yes we will rent to you anyway'. And in this case where you make it really difficult for a landlord to exercise compassion because of someone's past, what they may look like or that they may cause trouble for you as a renter. I think that causes a serious housing accessibility type of thing.

"Right now behind the scenes you hear landlords always talk about how we want to rent to military because there's a accountability. You can go to their commanders. But where does that leave the local families that want to get rentals? So, I think that even though this is a very good intention to recoup some of the pain and suffering from the neighbors surrounding the home or whomever might be out, I think that we have to look at the unintended consequences of how landlords will react being that they're being exposed to this much liability. Thank you."

Representative Pine rose, stating:

"Yes, with reservations. I'd just like to ask that the words of the speaker from Kailua be added to my previous remarks," and the Chair "so ordered."

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

"Yes Mr. Speaker, a potential conflict of interest. I represent properties that rent to tenants," and the Chair ruled, "no conflict."

Representative Souki continued in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. This bill is well intended and I believe it should move forward, but I believe that there's some work to be done. It's a work in progress. So, I will be voting with reservations in this bill and hopefully we can cure some of the problems, the perceived problems that they have here. Thank you very much."

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

"Thank you, Mr. Speaker. I would like to also rise with reservations and change my no vote to and aye vote with reservations. I would also like to incorporate the comments of the speaker from Kailua as my own. Thank you," and the Chair "so ordered."

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

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

"With reservations, and a couple of words, Mr. Speaker. You know, many lawyers will probably take a look at this and have mixed feelings. It's a new civil cause of action. However it seems to promote 'gun slinging' meaning that any person from another, people that are not connected with the contracts,



people that are not directly connected to the house or facility or building that's being used or allegedly being used for drug activities may potentially come into neighborhoods and recruit certain individuals to become plaintiffs in this. You know there's a potential drug house. They can probably get on the landlord and obtain a lot of this money, a lot of the potential damages provided for in this bill. So I do have mixed feelings on this.

"I know the intent is to get rid of the bad tenants. I believe there's a lot more work to be done and can be done on the law enforcement side. I don't believe that the Attorney General's new powers that have been given to him have not been totally used yet probably because of lack of funding. I know that that's one of the reasons why we want to have a broader way to, I guess, to get rid of drug dealers and drug users by having private attorneys take part into this. But at the same time, I think there's a lot of danger in having such a big cause, a new cause of action at this particular point in time."

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

"Having heard the comments from my colleague on my left, I am changing my vote to no. 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. 883, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDLORD LIABILITY," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Cabanilla, Finnegan, Fox, Halford, Marumoto, Meyer, Moses and Stonebraker voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 844) recommending that H.B. No. 150, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 150, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"I am with reservations. Thank you. My main reservation that I want to point out is that, and this is relating to driver's licensing. I like the idea of the graduated licensing but there's one part of it that bothers me and it's the one that says the provisional licensee shall not transport more than one person under the age of 18 who is unrelated to the provisional licensee without being unaccompanied and supervised by a licensed driver who is the provisional licensee's parent or guardian.

"You know, especially in high school when you're involved in sports and activities, I think that a lot of kids get together and drive to these events and you know there's those extra-curricular activities and this would really preclude it unless they had a parent or a guardian driving with them. And I, it just doesn't seem practical to me. Thank you."

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

"I'd like to register with reservations on the same point. Thank you."

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

"Mr. Speaker, thank you very much. I have strong reservations. Mr. Speaker, the intent of the bill is for safer roads and probably saving the lives of our younger drivers. However Mr. Speaker, I'm not convinced this is the best way to approach the problem. The way that we're doing it, it essentially punishes everybody across the board; I'm talking about those people that are younger than 18. I don't believe that we should discourage good children, good people, responsible kids from growing up to be responsible adults and that includes driving privileges.

"The way that this Legislature has tried to alleviate the problems, of I guess risky drivers that are young, include mandatory driving school which was incorporated probably in 2001. I thought that was a very good idea because it provides, one, a disincentive for those who can't afford it. Two, it cost \$300 dollars. It does provide training, mandatory training, driver's ed training for the younger children.

"I do believe that this is a correct approach. We should increase the standards. We should make it more difficult for people to get licenses by probably making the driver's test a little harder. If we really think that it's driving skills that are lacking in these children, then why don't we put out a different kind of test a with our standard test so that it's harder for them to qualify by making sure that they know how to drive carefully. I might suggest that it should be incorporated with re-licensing of the older generation.

"The remarks of people, or children rather, who are under the age of 17, who are going to be affected to this bill so far, at least to this particular Representative, is that they agree with the intent, they want to make sure they have safe drivers on the road, however they do feel that they're being singled out. And I do believe that they are. 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. 150, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Chang and Schatz voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 845) recommending that H.B. No. 540, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 540, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in strong opposition to this measure. Thank you. This measure provides immunity from prosecution from leaving an unharmed newborn at a hospital, fire station, or police station within 72 hours of birth. It provides immunity from liability for hospitals, fire stations, and police stations from receiving these newborns. It allows the person to drop off the newborn to voluntarily to provide identity, which would remain confidential.

"My concerns with this bill are that, number one, I believe that the original bill was much better in that it required medical history from a person relinquishing a newborn. Because right now this measure does not focus on the long-term well-being of these newborns that would be dropped off. It loses medical and genealogical history forever, not for only the child but for all of the child's generations. That is a high price to pay. And theoretically, prosecutors pointed out that any person with access to an infant could theoretically drop off the baby without

knowledge of permission from the parent, thus losing the baby forever because there is no mechanism in place to provide identity.

"Mr. Speaker, there are better alternatives available such as Project Cuddle and it needs to be said that, here in Hawaii we are unique from the mainland from which this legislation hails. We have the *hanai* tradition, which this would directly erode. The *hanai* tradition makes this less necessary. And I understand that today, I checked with Director of the Department of Human Services, we do not have a single case of an abandoned baby akin to the mainland. So while this is a very well intended measure it would only create more problems than it solves."

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

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, just reading a quote from the Hawaii Family Forum testimony. This bill may well save the lives of precious, helpless, defenseless newborns by allowing birth mothers a safe haven opportunity to lovingly ensure the safety and well being of their babies. It may discourage the horror stories we often read about in the news. And a point that's made is if even the life of one newborn is saved because the birth mother is able to safely leave her baby at a hospital, instead of abandoning him or her in a life threatening situation, the Legislature, all of us, will have saved alive.

"Forty-six states now have enacted this type of legislation. Back when it was vetoed, there were only thirty states. And according to the current version of the National Safe and Stable Families Act which was signed into law by President Bush early in 2002, it calls for federal funding to establish and expand similar infant safe heaven programs nationwide. A secret safe place for newborns has won both national and state recognition awards as a government innovation that saves lives and prevents violent domestic crime.

"Mr. Speaker, this is not the answer but it's an option. And it's an option that will save lives. And I just want to make a point that it doesn't matter about the baby's history or heritage if the baby dies, or is abandoned. So, I think that this is a better option. At least it allows the baby to live and it gives the mother an option to provide the information that is needed for that infant. So, I want to ask everyone to please support this measure. Thank you."

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

"Thank you Mr. Speaker, in opposition. I've listened to the previous speakers and you know I agree if we can save a life that's very important and we could do that very easily by amending the bill properly. You know I don't have any problem with immunity for the mother or anybody for dropping off the baby. That's fine. But it should not be anonymous.

"We should have the name of the person dropping off the baby and know who the parents are I believe. And then we could have the genealogical history and be able to backtrack. Let's say, a young teen couple that has a baby, the father grabs the baby takes it to the fire station drops it off. Maybe the mother didn't desire for that to happen. Maybe the young father is looking at his responsibilities for the rest of his life and determines he doesn't want to go through it. Maybe the grandparents didn't know. If we could have immunity for

whoever drops them off, but do away with the anonymity. We could still save the life of the child, we could preserve the genealogical history, we could backtrack if somebody claims the baby was stolen, etc. It would be very easy to do in this measure. Thank you."

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

Thank you, Mr. Speaker. With reservations, and a couple comments. With respect to the previous speakers and the scenarios in which a baby is taken from a family. That can be remedied and would be remedied by paternity or biological testing. So, in my opinion that wouldn't be the primary problem.

"Three years ago, or two and a half years ago, in the course of four months I took care of two almost identical cases in an emergency setting involving infants two to three months old, both of whom died. One, we were able to resuscitate after about an hour and subsequently died in the hospital in the weeks thereafter. In both cases, these infants' deaths ultimately were connected to abuse and ice addiction in the parents. I just wondered in myself if possibly those parents weren't ready to raise those children if they might've sought some other option and given up their babies.

"I have utmost respect for the initial speaker's concerns about losing connection to one's roots and past. And I think it's absolutely essential, once we pass this bill, if we do pass this bill, that we do make strong changes in the bill to assure that an infant or person can follow their path if they so wish.

"I just also want to say that I believe that our primary goal is to take care of babies and children in this Legislature. I know that we put children first, across the board, so that I think is the tenor of this bill. I don't want to see the bill change so much so that we wouldn't have the option to help young parents decide that their children aren't going to go on with life. But, I also at the same time want to make sure that we honor the history and lineage of these babies."

Representative Ching rose to respond, stating:

"Thank you Mr. Speaker. And I appreciate the comments by the speakers previously because I too agree that the importance is that we take care of children. And the idea of being able to find the best place for a child is the admirable goal and something that we should do. It is really the issue of the identity that I have concerns for.

"I wanted to just mention that I've been tracking this legislation as you well know in this Chamber, for quite some time. The fact that the rest of the United States is increasing the pressure to pass registration like this is not altogether a reflection on the concurrence on this bill. There are a number of states that are trying to repeal this bill. There are a number of constituencies that are working towards trying to repeal the bill in other states. And realizing after they have implemented the bill how erroneous it is. Because the fact is that the kind of person who would put their child in a trashcan is not cognizant, most likely, of the law. They are not cognizant that a law passed that I could've dropped off my baby at a safer location. They just are frantic, they're in a state of mind, they abandon the baby in a rubbish can. And we have not had that case here.

"So a number of people are repealing on that, as well as the idea on that point. As well as the fact that when we do have these types of laws, what you find are children that most people would have the young mother or mother would have gone to their family to give away. They drop off the children. My question is: is this Chamber willing to consider the cost of an

adoption agency that the hospital becomes? This is the wood-working. We're getting children that we would not naturally have in the system. We're going to have to pay for them. There are a lot of problems with this bill. Originally as it was written, I can agree with it if we required medical history. Thank you."

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

"Mr. Speaker, I rise in strong support of this bill. And I concur with my colleague from Kalihi in what he said, and let me just remind my colleagues that the intent of this bill is to save the lives of children. Identity is good, but what good is identity if we cannot even save their lives. It's a very traumatic event to drop off your baby or somebody else's baby to these facilities. And those people are ridden with guilt and fear. So our intent should be to make it easier for them so we can abate these crimes that are being committed by having these babies exposed to harm or to death. We must just focus on the intent of the bill. We can work out the other details at a later time. 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. 540, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Meyer, Moses and Pine voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 846) recommending that H.B. No. 833, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS," passed Third Reading by a vote of 51 ayes.

At 9:43 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 712, HD 2; 1442, HD 2; 98, HD 2; 1550, HD 1; 883, HD 1; 150, HD 2; 540, HD 2; and 833, HD 1; passed Third Reading.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 847) recommending that H.B. No. 15, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 15, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Schatz voting no.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 848) recommending that H.B. No. 422, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 422, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, explaining my vote against this measure. There's a Memorandum of Agreement currently in effect that affects the cruise ships that come to Hawaii. It's actually stronger than this bill, in terms of amount of water that's covered by the agreement. There has, during the course of the last year, there has only been one reported small violation of this Memorandum of Agreement. This bill is not necessary and may bring the State of Hawaii in conflict with the federal government because there are federal regulations in this area. Thank you."

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

"Thank you, Mr. Speaker. I speak in support of this bill and I hope that this is the beginning of having a stronger bill that actually is commensurate with that Memorandum of Agreement so that we can be in all fairness to all companies. Thank you."

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

"Thank you, Mr. Speaker. With support and a little reservation. I believe that the words of the Representative from Waikiki are somewhat truthful as to the MOUs and the MOAs. The cruise ships have undertaken this agreement in the good faith. They believe that they can be responsible individuals as an industry to care for our environment. You know that the State's heavy-handed approach in here, is showing them that they cannot be trusted in anyway. I don't think that we should take that kind of approach. I think that they pursued it in good faith and they're trying to maintain responsibly to the environment greater than what we can impose as a State. Thank you very much."

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

"Thank you, Mr. Speaker. In opposition. The MOUs have been mentioned several times. Let me just say you know, our State can regulate things up to 3 miles. The MOU goes out to 12 miles and the Penguin Banks goes out to 200 miles. So, the MOU covers much more area than our State law could. This is a 'feel good' thing. We're going to say, you know, we've done something about it but we're doing nothing about it. Thank you, Mr. Speaker."

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

"Yes, thank you Mr. Speaker. I speak very strongly in favor of this bill. Mr. Speaker and Members of the House, I believe this bill is a step forward in putting the cruise ships sailing in Hawaiian waters into a law, where it should be. The Memorandum of Agreement is a great document but it is not law. And it's only signed between the NCL and the State of Hawaii. It doesn't include all the other ships that dock here in Hawaii.

"Number two is that, in regards to the Hawaiian waters and all laying of sewage and gray waters is the responsibility of the Coast Guard. We have been advised by the Attorney General's office, Mr. Bennett, that we cannot supersede the Coast Guard and federal laws that we have within the three-mile limit. Therefore we have acted accordingly and not attempted to supersede that law. However with respect to that, we have provided a House Resolution to advise the Health Department to prepare and request an exemption for Hawaii so that we can monitor and find those transgressors of sewage and gray water spills with in the three-mile limit.

"The EPA, the Office of Environmental Protection, has given an exception to Alaska, and also they are on the verge of giving an exemption to California which is requesting the same thing. So we are hopeful that if the Health Department can do this, then we would have total control within the three-mile limit and we can make the appropriate laws to safeguard our waters.

"And now as we move along ... Is this on? Mr. Speaker, okay it goes off and on. Sometimes I think you touch your finger on that button over there. Let's not make this any longer. I know that we have a long session ahead of us. Thank you very much."

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

"Mr. Speaker, I stand in strong support of this bill. My reasoning is that if they have a Memorandum of Agreement that the cruise ships already agree with, why do they object to a law where we could enforce that Memorandum of Agreement. 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. 422, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fox, Meyer and Moses voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 849) recommending that H.B. No. 1413, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1413, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of H.B. 1413, Relating to Hawaiian Homes Commission Act, 1920, as Amended.

"The purpose of this bill is to increase the opportunities of Native Hawaiian lessees of Hawaiian home lands to mortgage their leasehold interest by allowing lending institutions to make mortgage loans on Hawaiian home lands that are insured or guaranteed by private mortgage insurance acceptable to the Hawaii Homes Commission (HHC).

"The inclusion of acceptable private mortgage insurance as approved by HHC, would serve to greatly increase the amount of options to obtain a loan, thereby assisting native Hawaiians in obtaining a homestead lease.

"The Department of Hawaiian Homelands and American Savings Bank testified in support of this measure.

"All members of the Finance Committee voted Aye."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1413, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 850) recommending that H.B. No. 167, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 167, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. I am rising in support with some reservations. This bill proposes to limit the evaluation of agricultural leases to only one approach, the income capitalization approach, using the agricultural yield. This restriction may lead to rents that do not accurately reflect market rent. The bill is instructing the State of their agricultural leases that they must use only this one approach.

"The Department has said that the problem may be one of implementation, since the appraisal standards already require appraisers to consider the income approach. There may be a shortage of appraisers who are knowledgeable of the agricultural yield approach. I think they have a point. It might be better to have an amendment to this bill that would allow the Department to provide training to appraisers on the agricultural yield approach and then require appraisers to consider the approach in re-openings of agricultural leases.

"This would be a pilot project. It would afford the opportunity for the Department to determine whether appraisers are adequately trained to do the agriculture yield approach and whether there are enough appraisers trained as such. Whether the ag yield approach is appropriately considered, Mr. Speaker, is something that could create problems. Based on this information I think, I hope that when this bill goes over to the Senate, they would look at making some much needed changes. Thank you."

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

"With reservations. This would encourage lower yields for lower rent."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 167, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE AGRICULTURAL LEASES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 851) recommending that H.B. No. 168, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 168, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 852) recommending that H.B. No. 1082, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1082, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm standing in strong support. With the demise of sugar and a lot of lands that are available, we have a lot of farmers that are immigrants that come to Hawaii to make a living. We have a lot of vast areas on the North Shore of Oahu where these families are coming in. In light of what happened last year where one farmer encountered a person who was stealing his crops, ranting. What it does right now is it brings the ag community with this Department, and especially with the AG's office, to take a look what we can do.

"Because right now the problem we have, we have the will of the farmer, and the land is there. The water, we're trying to get the fresh water to that. The problem we have is the enforcement. No matter what laws we have, it's the enforcement that we need. Especially in the rural communities, especially where I represent on the North Shore, we have only like five or six police officers to cover the vast areas that I have in my district. But as long as we have some type of cooperation, whether through legislation but especially with the Department of Ag and also with the AG, hopefully we can encumber some of the problems that we have.

"We also need to educate the farmers we have. So I ask my colleagues for strong support and it's basically a task force to take a look at what we can, hopefully implement next year. Thank you, Mr. Speaker."

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

"Mr. Speaker, on the same measure, I'm in strong support. I ask that the comment of our colleague from District 46 be incorporated as my own. And just some short comments, Mr. Speaker.

"Indeed this is a major concern and I think we're coming up with a solution. It's just a follow up to what's been happening in the past. But the major concern with this issue is about implementation. So, I think the time has come to aggressively address this measure and hopefully with the participation of the Attorney General we will come to a solution that will really benefit the agricultural industry. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1082, HD 3, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," passed Third Reading by a vote of 51 ayes.

At 9:54 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 15, HD 1; 422, HD 2; 1413, HD 1; 167, HD 2; 168, HD 2; and 1082, HD 3; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 853) recommending that H.B. No. 1200, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1200, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. I rise in strong support of this measure, Relating to State Enterprise Zones. Mr. Speaker and colleagues, the purpose of this bill is to provide agricultural businesses an alternative means of qualifying for enterprise zone benefits. It also addresses the concerns of farmers who are unable to maintain eligibility for general excise tax and income tax incentives because of losses from floods, drought, pest outbreaks, or any other acts of nature that severely impact agricultural operations.

"According to statistics given by DBEDT, Mr. Speaker and colleagues, there are over 200 businesses currently enrolled under the Enterprise Zone, statewide. But of that number, only 28, yes I repeat Mr. Speaker and colleagues, 28 are agricultural types; 24 are producers; 3 are processors; and only 1 is a combination of both, statewide. And that is of December 31, 2004.

"This very small number of ag businesses enrolled under the Enterprise Zone program is due, in large part, to the existing stringent eligibility criteria. The farmers simply do not qualify or choose not to participate even though they need the tax incentives in order to sustain the viability of their operation. And secondly, farming operations have to endure weather calamities like the severe flooding that occurred here recently.

"And these calamities cause the farmer to temporarily discontinue the operation, resulting to his inability to maintain eligibility in this program. So this bill will address that by extending a farmer's 7-year eligibility by a length of time equivalent to the length of time the farmer had to discontinue his operation. And furthermore, Mr. Speaker and colleagues, this bill allows for farmers to qualify for tax benefits by following revenue growth as an alternative if he is unable to satisfy hiring requirements. That's too stringent.

"So, about two weeks ago, I attended DBEDT's strategic planning session for the statewide Enterprise Zones. Part of the discussion Mr. Speaker and colleagues, was focused on the implications of the Agriculture Enterprise Zones program and this bill. And I was told that they are excited about this measure and are waiting for its passage and its implementation. Last year a similar measure was almost passed, but SB 2413, SD 1, HD 2, died in the Conference, Mr. Speaker. So hopefully this year I am very confident that we will prevail, and I think that we should prevail. So I ask for the support of my colleagues. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1200, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 854) recommending that H.B. No. 852, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 852, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 855) recommending that H.B. No. 1020, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1020, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. What we have is a conflict that is going on in the world of defining shoreline management. But I believe that the Department of Land and Natural Resources is taking a very reasonable approach to this issue. It of course is a highly controversial issue because as you take land away from private landowners and turn it over to the public sector, you're taking the most valuable real estate we have in Hawaii; beachfront land. So, naturally the private owners feel very strongly, but we as the State also feel very strongly. We want to see that land that belongs to the public is actually reserved to the public.

"The Department of Land and Natural Resources is using in conjunction with the people who are involved the property owners and the environmentalists who are on the other side, is using two basic approaches. One is to watch the wash, and this has been the historical way of determining where the line is between public lands and private lands. And secondly, they're also looking at the vegetation since vegetation doesn't grow where salt water hits the land. So these two measures, they're looking into them both. They're looking at an overall evaluation, and trying to do the right thing.

"Into the midst of this comes this bill which says, we're not going to use two ways. We're going to use one. We're going to use the shoreline measurement. We're going to rule out the use of vegetation because private owners can go in and plant vegetation and change the line that way. So let's kick that one out. Let's work with only the wash way. It's an extreme position versus what seems to be the moderate way that the Department of Land and Natural Resources has been running.

"Now I think this Legislature in the past would have left the Department of Land and Natural Resources alone. But now that the Administration is changed and so we're going to come in and tell people who are doing their job as best they can, you're not doing it right and come down on one side of an obvious dispute between private owners and environmentalists. And I think this is a very unfortunate bill. We should vote against it. Thank you."

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

"With support with reservations. I'm supporting this bill, as long as it still allows the people of Ewa Beach to replant the *limu* that is dying along the shoreline. Thank you."

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

"In strong support. Mr. Speaker, I disagree with the comments of the Minority Leader. Actually there are plants that are very salt tolerant. I have walked our beaches and I have seen where owners of property have put out plants and are watering them and they grow out towards the ocean. I believe that *naupaka* is one of them. And what really concerns me is that the public beaches belong to the public and I believe that some of homeowners are actually, with plant vegetation, that are actually making it seem their land is actually farther towards the ocean than it should be. So I actually think land is actually being taken away from the public.

"I think that this is a great idea. I think that it's a compromise bill. I believe that Jerry Rothstein, who worked on this for

years and years and was trying to point out to everyone that the shoreline certification, that there was a problem with it because they were using vegetation instead of using the high wash. The reach of the high wash during the storm season is supposed to be where you certify.

"You know, we have a problem with proliferation of sea walls and maybe it's because we're not picking the right location. So like I said, I disagree with the Majority Leader and I'm really pleased that we're moving this forward. Thank you."

The Chair addressed Representative Evans, stating:

"The Minority Leader from Waikiki."

Representative Evans: "Oh, Minority Leader. Sorry."

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

"Thank you, Mr. Speaker. I'm also rising in opposition to this bill. I have to admit that I have a conflict because we do live on a shoreline lot," and the Chair ruled, "no conflict."

Representative Meyer continued, stating:

"I will agree with the Representative from Waimea that there are salt tolerant plants. Oftentimes property owners had them growing on their properties in case of the extraordinary kind of weather where salt comes up. The shoreline by my house where the City and County highway goes by, the highway would be washed away if it weren't for the *hau* trees that are holding up the soil and keeping the water from undermining the road. But under the old law, they had two ways. I mean, the Department always did look at the vegetation line and did use that as one of the measures, but not the only measure. Somehow this bill is making it look like any kind of vegetation growing close to the shoreline is wrong or it is evidence that someone has taken public property by planting.

"I think that the Department has the discretion to look at that. I think there have been situations with people in Kailua where they have planted plants where it's pretty obvious that they're getting, you know, your neighbor's way up here and this person's got a big grassy place that's much closer to the shoreline. So, I think they have the discretion in that situation. Thank you."

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

"Thank you, Mr. Speaker, in strong support of this measure. One of the problems that is happening in the Department of Land and Natural Resources is that their Administrative Rules do not comport with the law. And in their Administrative Rules, they give deference to the vegetation line. And this bill seeks to correct the deference. There's still the ability to use two criteria; the highest wash of the wave and vegetation line. But, making sure that the statute is clear that there are two alternatives rather than just the preference in the Administrative Rules where it gives deference to the vegetation line. Thank you."

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

"Thank you, Mr. Speaker, in strong support, briefly. And to correct the Minority Leader's statement because the bill still describes shoreline as using the evidence with the edge of vegetation growth or the upper limits of debris. So, the bill definitely addresses both criteria.

"This bill really started three years ago to address the problem of certain private property owners intentionally planting vegetation so that they could increase the usage of land and deny the public access to the beach. In the meantime, the Department of Land and Natural Resources is looking at this entire issue and considering other factors such as the erosion rate. So while we're doing all of that, we want to still continue to move this bill forward. Thank you."

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

"Mr. Speaker, if I may beg one more response in support. I'd like to enter the comments of the Representative of Waimea as my own and also add that I think that we are honor-bound to protect the shoreline as residents of Hawaii, and not honor-bound to protect the interest of single individuals."

"I think this is a good bill because it clarifies the law. And I think that if we allow interests to go one case by one case, we are really doing a disservice to the people, the future, and the history of the land of Hawaii."

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

Representative Morita's written remarks are as follows:

"Currently, the Department of Land & Natural Resource's administrative rules defining shoreline violates statutory provisions all to the detriment of an important public trust resource, Hawaii's beaches and shoreline, thereby exceeding the statutory authority of that agency. Based on the public trust doctrine, it is paramount that the long standing public policy to extend to public use and ownership as much of Hawaii's shoreline as is reasonably possible be reiterated and reinforced and that is what this bill accomplishes."

"DLNR's rules and practices are contrary to section 205A-1, Hawaii Revised Statutes, preferring the vegetation line in determining the shoreline. There should be no stated preference in implementing existing section 205A-1, HRS, which reads in pertinent part:

*"Shoreline" means the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.* (emphasis added)

"DLNR's rules, defining "shoreline," section 13-222-2, Hawaii Administrative Rules, reads in pertinent part:

*"Shoreline" means the upper reaches of the wash of the waves, other than storm or tidal waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or where there is no vegetation in the immediate vicinity, the upper limit of debris left by the wash of the waves.* (emphasis added)

"By adding the words "or where there is no vegetation in the immediate vicinity," DLNR created an inadmissible preference for the vegetation line over the debris line in locating the shoreline."

"Simply put an administrative rule cannot contradict or conflict with the statute it attempts to implement."

"The position of the shoreline in Hawaii is defined by multiple criteria, requiring interpretation and judgment. The state surveyor processes over two hundred shoreline certifications each year resulting in five to six contested case hearings a year. The majority of the cases involve a dispute over the interpretation of the field evidence to locate the upper reaches of the wash of the waves. The planting of salt-tolerant plants can easily confuse the identification of a naturally vegetated shoreline that in the past have evidenced the upper reaches of the wash of the waves. Landscaped vegetated berms are now widely planted on coastal properties and are leading to heavy abuses of the shoreline certification process. A typical beach is only one hundred feet wide; therefore, a manipulated, vegetated shoreline may represent a loss of ten to one hundred per cent of beach width for public use. This bill clarifies that planting cannot take place prior to the shoreline certification process."

"In Ashford, the State of Hawaii successfully argued that traditional rights of public access existing under the monarch land tenure system, prior to the Great Mahele, extend to the present and include the right to traverse along the rocky shoreline to swim, fish, and seek other varieties of seafood. The Hawaii Supreme Court decision in Ashford that "the location of a boundary described as "ma ke kai" is along the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation or by the line of debris left by the wash of the waves" serves as the foundation of the present legal definition of Hawaii's shoreline and a long-standing public policy of extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible. This measure recaptures, reinforces and strengthens the same public policy of that ruling."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1020, HD 3, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fox, Meyer and Moses voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 856) recommending that H.B. No. 1276, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1276, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 857) recommending that H.B. No. 769, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 769, HD 3, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 858) recommending that H.B. No. 1017, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1017, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'm rising in opposition to this bill. The purpose of this bill is to encourage the use of alternative energy by removing restrictions against the installation of solar energy devices in townhouses and other residential dwellings that fall within an association of homeowners. That's the problem that I have with the bill. We are legislating to get around the laws of a homeowner's association.

"There are problems where one townhome owner will decide to put up a solar roof and his neighbor doesn't. There's one roof that covers both. Roofs and roads and areas around clubhouses are all common elements and these do not belong to the homeowners exclusively. They belong to the whole project and the association and always come under the scrutiny of the association of owners. There are a lot of problems with this. Somebody decides to do this. He hires a contractor. They do the work. And when they're through the roof is leaking. Who is responsible? Ultimately it's going to end up that the association is going to have to fix that roof. And that's why the association is in charge, because they make those decisions. Do we want to do this?"

"If the whole association wants to do solar and it's decided that that's the best thing and you can get the majority of the owners to go along with it. Then they put up the solar and the association will go after the contractor or if it's many years later, they'll pay for the repair of the roof in which they do anyway. They will pay for re-roofing, repainting, all of that. But the Legislature is getting caught up in this mix because you know, it's that greater good, or the thing that we know better. But I think that this is a slippery slope when we start dictating to an association of owners what can and cannot be done in that project. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations and some of the same concerns as the Representative from Kahaluu in regards to it being ownership of everyone.

"And I'm sure that when they're looking through the cost for replacement of roofs or other things like that, that they're doing that on a particular schedule. Should things like solar end up harming the roof, then it throws off all of their planning on the upkeep of the properties. I do have reservations, thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1017, HD 3, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 859) recommending that H.B. No. 1555, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF

SPECIAL PURPOSE REVENUE BONDS FOR HUALALAI ACADEMY," passed Third Reading by a vote of 51 ayes.

At 10:11 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1200, HD 2; 852, HD 2; 1020, HD 3; 1276, HD 3; 769, HD 3; 1017, HD 3; and 1555, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 860) recommending that H.B. No. 1605, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1605, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Third Reading by a vote of 50 ayes, with Representative Carroll being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 861) recommending that H.B. No. 281, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 281, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Third Reading by a vote of 50 ayes, with Representative Carroll being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 862) recommending that H.B. No. 912, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 912, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," passed Third Reading by a vote of 50 ayes, with Representative Carroll being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 863) recommending that H.B. No. 99, as amended in HD 1, pass Third Reading; and

(Stand. Com. Rep. No. 864) recommending that H.B. No. 160, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 99, HD 1, and H.B. No. 160, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Fox rose to speak in opposition to the measures, stating:

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, this is the first of a series of bills that will dictate to the Director of DCCA that he should lower fees, or to a person within DCCA working under the Director. We had a significant debate in the previous Session of the Legislature about the use of funds in DCCA to make the Department self-sufficient. This is an idea that originated with your Party, Mr. Speaker, in the late 90s and has worked out quite well. And the Director of DCCA has come to us and been granted the authority to lower a substantial number of fees and he's working within that context.



"All of a sudden in the midst of this thing that's working highly successfully, the Legislature is going to input a series of bills that will dictate to the head of DCCA or to the Insurance Commissioner or other people within DCCA that they must lower their fees. And the trouble with this is that it takes away the flexibility that's needed to keep the Department self-sufficient.

"If you want to keep the Department self-sufficient, you can't just keep going in the one direction. Sometimes the revenue picture will change and you will not be able to cover your cost. We should not be doing this in law. The system is working well. Let's let DCCA continue to flourish as it is. Thank you, Mr. Speaker."

The Chair addressed Representative Fox, stating:

"Representative Fox, this particular opposition was in regards to Stand. Com. Report 863? Or 864, the Compliance Resolution Fund? It was 864, right? It was not 863, because we were on 863, which is the Uniform Securities Act. So your statement is in regards to Stand. Com. 864?"

Representative Fox: "Apparently, yes."

Speaker Say: "Okay, before we proceed on, Representative Moses are you on 863? Okay Representative Moses, please proceed on Stand Com. 863."

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

"Thank you, Mr. Speaker, in support with some very serious reservations. Yes, Mr. Speaker this is the first of several bills which can be described as 'wolves in sheep's clothing.' It poses bills to help businesses by imposing fee cuts at the Department of Commerce and Consumer Affairs, the DCCA. But the real intent is to cut the funding for DCCA so deeply that it'll be unable to fulfill its mission of serving Hawaii's business community. In passing this bill we are corroborating the old saying that 'no good deed goes unpunished,' Mr. Speaker, because certainly over the last two years the good folks over at the DCCA have been a breath of fresh air to our struggling businesses.

"You know, especially small businesses that make up the backbone of our economy through the common sense application of rules and regulations and the law, the DCCA has been single minded in this determination to cut fees, reduce red tape, and partner with businesses rather than standing as a bureaucratic roadblock to the entrepreneurial spirit. Mr. Speaker, the business community has come before the various committees of this House and sung the praises of DCCA and its Director, administrators and staff.

"DCCA has embarked upon and is well along the way with a plan to reduce its reserves from a level of almost two years of operating expenses, to a goal of no more than nine months. In fact Director Recktenwald had a bill before us to give him a flexibility to lower and raise rates according to the needs of the Department as it worked its way towards the goal by reducing its reserves. But in our infinite wisdom Mr. Speaker, we rejected it and we said DCCA, you can reduce fees but you cannot have the flexibility to raise them back up to the statutory limit again.

"Mr. Speaker, fee setting can be like taking a shower. You have to find a balance between hot and cold. For years the philosophy seemed to be keep the businesses in hot water whenever increasing fees and the consuming public ended up being burned. Now we want to pour cold water on the Department and bring their good efforts to a freezing halt by

mandating cuts to their fees and not allowing them the ability to fine tune them as needed.

"This bill would cut three fees, Mr. Speaker. One of those cuts is to reduce the notice of the filling of the Securities and Exchange Commission, Form D from \$200 to \$100. Mr. Speaker, H.B. 99 was introduced on January 21st of this year. However, the DCCA's Commissioner of Securities had already reduced the Form D fee from \$200 to \$100, exactly what this bill calls for, 20 days before this bill was introduced, Mr. Speaker. H.B. 99 is not needed. What we need is to empower our DCCA to continue to do exactly what they've been doing for the past two years; setting a common sense and balanced approach between the needs of the business community and the protections necessary for the consuming public."

Representative Fox rose, stating:

"Thank you, Mr. Speaker. As you can tell as you listened to the speech of the Representative from Makakilo, my remarks did pertain to 863 as well as 864, as well as other bills that we'll listen to that will reduce the fees in DCCA. Thank you."

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

"Thank you, Mr. Speaker. I will be voting no but I would like the words of the Representatives of Waikiki and Kapolei as my own. Thank you," and the Chair "so ordered." (By reference only.)

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, this is in regards to 863 and 864? For both? And these votes will be recorded when the Minority Floor Leader casts the votes."

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

"Yes, I rise in support of this measure. Yes, these two bills, as well as another bill comprise a package of pro-business measures that the House of Representatives is debating today. Hopefully we'll vote in favor of. I'm just so perplexed as to the objections to these measures, Mr. Speaker. These are pro-business measures. These bills were testified to in favor by the Chamber of Commerce who strongly supported these measures because they know that businesses fees are too high. We're trying to improve the business fees reflective of what the services that are provided for these businesses.

"Well, one opponent says there's a bill that says you don't give flexibility to raise fees to the DCCA. And that's erroneous. The DCCA still can raise fees. But, they have to go through a rule making process so that the public has the opportunity to comment on the raising of those fees. What the bill provides is that the DCCA can lower fees without going through the public review process. But we believe, in the spirit of being pro-business, that the DCCA should explain to the communities that are being regulated, the businesses that are the backbone of the community, why the fees are going to be raised.

"It's an issue of accountability. It's an issue of transparency. I think if you look at these bills, as well as other bills, you're going to find that these bills make sense and are supported by the business community.

"I should say this, that Director Recktenwald has done a terrific job and he has lowered fees in DCCA. And he's the outstanding Director, probably the best Director that I've ever worked with in the DCCA. And what we've been doing is

following in his footsteps, amending these bills and business fees to reflect what DCCA is doing. So we're not cutting fees lower than what DCCA has already done. In fact, the example that someone gave about the fees being lowered before the bill has been introduced, we're just lowering it to exactly what the DCCA has lowered the fees to already.

"So we're just codifying what they're practicing already at DCCA, because as we know Director Recktenwald may not be around in the future, and we won't have a director that is so conscientious about reducing fees. And so Mr. Speaker, this is a pro-business measure. It's not doing anything different than what DCCA is currently doing. And I urge Members to support it. Thank you."

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

"Thank you, I would also like to register my no vote. And I would like to ask that the comments from the Representative from Kapolei be entered as my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. If we're considering 864, I have comments on 864 also. Thank you, Mr. Speaker. I'm between up and down on this one. This one is so bad. Let me start with just saying in support with great reservations. And I may change my vote, Mr. Speaker. This is on HB 160, HD 2, which is SCR 864.

"I want to remind this Body, the DCCA is funded only by user fees. There is no general fund appropriation that goes to the Department, which is great. It's a model for all of us to get paid for services that you perform. And that's exactly what they do. But this measure undermines the ability of DCCA's Insurance Division to effectively regulate the insurance industry. I'm wondering why we're giving special treatment to the insurance industry. There are very big questions to ask there.

"We're capping the insurer assessments at a fixed rate without consideration for what the Division needs to operate or what level of protection consumers require is an overreaction. We're not considering what protections we're losing for the people. There's a blatant attempt by the insurance industry to cripple the Insurance Division's ability to regulate them at the same time when the Insurance Division and Insurance Regulators in Hawaii are aggressively investigating insurance brokers and companies for engaging in fraud, bid rigging and other unfair business practice. This will provide a windfall to insurers at the expense of Hawaii's consumers.

"The previous Administration accumulated a multi-year cash reserve and the Legislature in response transferred those monies to the general fund. Some would call it a raid. But the current Administration has a different philosophy and believes that the Division should be run as a tight ship from a fiscal stand point. And therefore, in fiscal year 2004, the Division cut assessments by 65%, Mr. Speaker. This fiscal year the Division is not assessing insurance companies at all. Zero assessments. And thus, they have brought the Division's revenues and funds more in line with expenses, and the Division's goal of a three to five month cash reserve. Well, the 65% cut in assessments last fiscal year and no assessments this year, the people of Hawaii cannot afford to give insurers a free ride by continuing to exempt them from fees and assessments as this bill proposes. Let's not be complicit with the insurance industry in destroying the regulator that our own laws mandate to protect the public.

"Mr. Speaker, if we really want transparency, all we have to do is go along with DCCA. They want to fulfill the insurer's requests by providing a basis for annual assessment and detailed budget to illustrate revenues and expenses instead of resorting to this drastic measure which impact DCCA's funding. It may be unnecessary. The Insurance Division has already cut the assessments by 65%, as I said. And it's just not fair to single out the Insurance Division for ongoing audit of operations when our State programs are not similarly scrutinized. Thank you, Mr. Speaker."

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

"I just would like to vote in support with reservation. The speaker from Chinatown made the bill sound a lot better than when I read it, so I'm going to take his word for it and just go with reservations. Thank you"

Representative Finnegan rose, stating:

"Mr. Speaker, can I submit written comments for 864, please? Thank you," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise in opposition to H.B. 160, H.D. 2, Relating to the Compliance Resolution Fund. DCCA has done a terrific job in lowering the cost of doing business in Hawaii. Their efforts at lowering fees for businesses should be applauded. However, the Department, like individual small businesses, must operate with some measure of flexibility. Unexpected costs and situations demand a measure of flexibility in terms of income and expenses. When the Legislature codifies anything into law, we sometimes end up unduly tying the hands of government agencies. The current wording of the law allows for the flexibility and should be preserved so that should the DCCA need to exercise that flexibility, they have that ability. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 99, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Finnegan, Fox, Halford, Meyer and Moses voting no, and with Representative Carroll being excused; and

H.B. No. 160, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Meyer and Moses voting no, and with Representative Carroll being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 865) recommending that H.B. No. 393, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Moses and Thielen voting no, and with Representative Carroll being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 866) recommending that H.B. No. 390, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 390, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Third Reading by a vote of 50 ayes, with Representative Carroll being excused.

At 10:27 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1605, HD 1; 281, HD 2; 912, HD 1; 99, HD 1; 160, HD 2; 393, HD 1; and 390, HD 1; passed Third Reading.

At 10:27 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:38 o'clock a.m.

At this time, the Chair stated:

"Members, on your desks are two proposed floor amendments for you to take a look at. And with the concurrence of the Majority Leader and the Minority Leader, House Floor Amendment No. 1 on page 9, H.B. 329; and Floor Amendment No. 2 on page 13, H.B. 1015, both measures will be deferred to the end of the calendar.

"Members, at this time we are about 150 bills behind the Senate. They just passed over 200 bills to this House Chamber with their Consent Calendar even though we started at 8:30, and they started at 10:00, because of their procedures and processes."

**Stand. Com. Rep. No. 871 and H.B. No. 329, HD 1:**

By unanimous consent, action was deferred to the end of the calendar.

**Stand. Com. Rep. No. 895 and H.B. No. 1015, HD 2:**

By unanimous consent, action was deferred to the end of the calendar.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 867) recommending that H.B. No. 1556, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1556, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, with reservations but in support. I just wanted to say that I think it's important that we are careful to protect the Kona farmers and their coffee interests. So, taking a closer look into the impact of this special purpose revenue bond. I am in favor of economic development on behalf of the State, however, I think the good work of the primary submitter of the bill is helping to make sure that that occurs. Thank you very much, 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. 1556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives

Finnegan, Fox, Halford and Meyer voting no, and with Representatives Caldwell and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 868) recommending that H.B. No. 171, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 171, HD 3, entitled: "A BILL FOR AN ACT RELATING TO SALARY COMPENSATION," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 869) recommending that H.B. No. 172, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 172, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 870) recommending that H.B. No. 295, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 295, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 872) recommending that H.B. No. 343, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 343, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support. Mr. Speaker, in front of us we have a bill that will assist in the partnership between military personnel and State support systems, and will primarily benefit the children and spouses. This bill creates a civil service position that will coordinate State support for families of deployed military personnel, and also work with the Hawaii 3R's program on education objectives.

"Mr. Speaker, as you know, more than 2,000 of Hawaii's National Guard men and women, with the highest rate in the nation, have been deployed to Iraq and Afghanistan for periods of one more year. Local families and businesses have been greatly affected by this sudden call-up, both emotionally and financially. Still, family members continue to show their support to our State and our nation. Nonetheless, the adjustment period is difficult, especially for the children. This bill will help families get through difficult times. I ask for your support. 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. 343, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF DEFENSE," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Souki being excused.

At 10:41 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1556, HD 1; 171, HD 3; 172, HD 2; 295, HD 2; and 343, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 873) recommending that H.B. No. 1784, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1784, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"In opposition, Mr. Speaker. We once had an Office of International Affairs. It was hatched and spread its wings, and it flopped its wings around for a couple years. Then the State in its wisdom decided that we didn't really need an Office of International Affairs. I would strongly identify with that sentiment.

"As a State, our main role is to help the economy of Hawaii in connection with East Asia and other countries outside of Hawaii, but particularly with East Asia. And that's a task that's best done by the Department of Business, Economic Development and Tourism and by the private sector. We are not a sovereign nation. We do not need an Office of International Affairs. We do not need to study it. Thank you very much."

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

"Thank you, Mr. Speaker. Yes, I rise in opposition. While I very much support the concept of international affairs and improving business relations between countries and the State of Hawaii, I believe that the Department, DBEDT, is doing such a wonderful job that this is a redundant measure. Thank you"

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

"Thank you, Mr. Speaker, I stand in support of H.B. 1784, HD 2. I'd like to say that this bill started out asking to revive the Office of International Affairs who was first headed by the Mayor, now of Honolulu. When the State faced economic problems, they abolished that particular separate office but put a person in the Governor's office who was very familiar with international affairs to head the office.

"The present Administration has no one in their Administration except the Department of Business, Economic Development and Tourism, which is primarily focused on business which is obviously the main reason to have an Office of International Affairs. But there are other things that we do in the international relations such as sister city relationships with other similar entities to the State of Hawaii. And there are many states who are now realizing that, in the middle of the United States, that they need this because we are in a global economy, because we fight global wars, we must take the

initiative to try to bridge the gap between people and understand different cultures, different ways of doing things, if we're not going to destroy the world eventually with our nuclear bombs.

"So, all of this Standing Committee Report suggests, and all of the bills that suggest this came from the suggestions that were given to the Committee when we held the hearing on this bill, by the Director of Business, Economic Development and Tourism. This suggestion was his, that we need to find out what is Hawaii's role in international affairs. And obviously we should have a role because of our history, because of our geographic location, because of our need to expand our activities throughout the globe. So, all that we're asking for is a task force to study what is the role of Hawaii in international affairs.

"We have a mission in our Committee to spread the spirit of aloha, to spread the news that there is a place in the world that people can get along together no matter what their religion is, no matter what their ethnicity is, no matter what their race is. I believe as Chair of the International Affairs Committee that this role is a very important role for the State of Hawaii. And this was recognized way back in the day when Captain Cook discovered the islands and used the talent like the people of Isaac Davis to conquer the islands.

"And from King Kalakaua, who took a trip around the world, the first monarch to ever transverse the whole globe. A reigning monarch to teach the world about the so-called, 'Sandwich Islands,' or presently the State of Hawaii. And we were recognized. That is the basis for the whole sovereignty movement because we were a separate country.

"We are a unique place in the United States. And I ask the Representatives on both sides of the aisle to support this study. Help us define what our role is. That's all we're asking. And I'm surprised that the Minority Leader objects to this because of his international background and because of his expertise in this area."

Representative M. Oshiro rose to yield his time, and the Chair "so ordered."

Representative Hale continued, stating:

"Thank you very much. I'm just hoping that my arguments will convince you to vote for this task force. Thank you, Mr. Speaker."

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

Thank you, Mr. Speaker, in strong support. I first of all would like to have the words of the Chair of the International Affairs Committee be incorporated as my own. I think that we shouldn't be so myopic and provincial, even though we are one of the 50 states and we are not a sovereign nation. I think that we have to remember our heritage being in the middle of the Pacific and as the Chair said, being a bridge to other cultures.

"When you look at our multi-cultural diversity it's a strength that I think that no other state in the union has. So, I think it's important to emphasize our international role. We are an international state. I think that we should take advantage of that. Our experiences with sister state relationships have demonstrated our role as a stepping stone and a bridge between the United States and other countries. So I'm truly hoping that even though the Department of Business, Economic Development and Tourism does a good job, but we also have to recognize that not all relationships are on the level of the economy or commercial. It also involves education and

cultural exchanges and understanding each other at different levels. So I think having that emphasis, having a special office, will demonstrate to the world that our doors are open. I hope everyone will support this measure. Thank you."

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in support of this measure. Mr. Speaker, I've come full circle on this. You'll probably remember when former Representative Gene Ward and I used to debate the different sides of this issue, and he'd call me myopic? And I would tell him no, that we should focus just here on Hawaii. Well, I've come full circle and I do believe this makes sense to go ahead and study the possibility of reopening an Office of International Relations.

"I have different perspective from this. I would like to see Hawaii become a leader in renewable energies for the world and certainly for our region of the world. It isn't happening the way our government is structured at this point. So my feeling is that an Office of International Affairs or International Relations would be able to take the lead to say Hawaii can be, I guess, a laboratory or the stimulation to create renewable energies that we can then export to other places in the world; export that knowledge to other places in the world. So, I think this is a good step and I applaud the Chair of the Committee and I think she's on the right track. Thank you."

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

"Mr. Speaker, I rise in strong support of this measure with comments about DBEDT. I think the Chair, the first thing she did, was to have an informational briefing with DBEDT and they didn't have very much to offer. We also had a combined hearing with Agriculture and DBEDT was there and they haven't really been supporting agricultural exports or adding to the efforts that's being held. So I think this is a good measure and DBEDT needs a legislative oversight of what they do on the international level. 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. 1784, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Ching, Fox, Meyer and Stonebraker voting no, and Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 874) recommending that H.B. No. 631, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 875) recommending that H.B. No. 1152, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1152, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition and I'll try to be very quick. You know, this is appropriating money and I thought that we had a lot of *pukas* throughout the State that we had to try to fill with our scarce resources. So I hate to waste money on something that's basically already being done.

"This requires the DOT to conduct a comprehensive review of past studies, so we're going to study the studies of traffic flow in the corridor from Central Oahu to the H-1 freeway including any proposals to extend contraflow lanes to Mililani. And DOT must establish a task force to provide advisory assistance to DOT, as if they couldn't do it on their own.

"DOT already has a lot of study. They've looked at this. The DOT Director is not studying a lot of things, he's doing a lot of things. If we'd just get out of his way and let him do it. He's looked at contraflow. We also have the Oahu Metropolitan Planning Organization Citizens' Advisory Committee, of which I think the Mililani Neighborhood Board is a member. I'm not sure, but if not, they could become one.

"Again, what we're doing is spending money so the DOT can report very quickly to the Legislature on something that they're already looking in to and doing. I think there are 34 Neighborhood Boards? So what we ought to have is every Neighborhood Board put in a study like this and we'll have some Legislator from that neighborhood pass the bill or try to pass a bill so that we can have studies for all 34 of them. Thank you, Mr. Speaker."

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

"I'm standing in strong support. In regards to the comments made by regarding the need for traffic study, I think it has to be identified that the Department of Transportation was planning to get this report done by April 2006. However, it fails to realize that there is development that potentially will be going up into the Waipio Gentry area which is estimated to bring about 18,000 new homes, Mr. Speaker. If you average two cars per home, that's about 36,000 new cars that will increase our traffic.

"Also, it's not looking at the whole picture on what this study is going to look at. It's going to look at the H-1/H-2 merge, which will affect areas going leeward, as well as areas going all the way towards the North Shore.

"Regarding the need for a comprehensive study, this is because we have traffic concerns now, Mr. Speaker, and we can't wait to put it off another year and a half for another study that won't be as comprehensive as one that is stated here today. Thank you."

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

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

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

"In strong support, and I'd like to have the words of the Representative from Mililani to be entered in to the Journal as my own. But just a comment for you. On the North Shore, when you guys are still sleeping, I wake up at 4:00 a.m., and leave my house at 5:30 a.m. to avoid the traffic. So it's about

time that we take a look at for the northern side of the island, from H-1 and H-2. Thank you, Mr. Speaker"

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

"Mr. Speaker, in strong support and ask that the words of the Representatives from Mililani and the North Shore be entered in the Journal as my own. And I share the same sentiment as my friend from the North Shore. I get up 4:30 in the morning to try to make it here. I leave the house by 5:30 a.m. to be here at 8:30 a.m. So, I appreciate that the study would extend all the way to areas such as my and Representative Shimabukuro's District. Thank you."

Representative Moses rose to respond, stating:

"Mr. Speaker, second time very quickly. I'm not saying we don't have to fix our traffic problems. Of course we do. I live way out in Kapolei. I know about the traffic problems. I'm just saying that it's already being done. All we're doing here is putting more money in to it to try to speed it up, and what that really does is slow down DOT because now they have to sit there and prepare a report instead of just doing their job. 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. 1152, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Ching, Fox and Moses voting no, and Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 876) recommending that H.B. No. 713, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 713, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED PERSONS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 877) recommending that H.B. No. 954, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 954, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR AGRICULTURAL INFRASTRUCTURE," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 878) recommending that H.B. No. 1033, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1033, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support for H.B. 1033, HD 1. Farmers who are not fortunate enough to have access to State irrigation water systems must obtain their water from county water supplies to obtain water for their farms. These farmers must pay higher rates for their water. Despite the

counties' efforts to assist farmers, the county rates are 2 to 6 times higher than the State irrigation system. That is understandable because these waters are treated and potable, but it makes it difficult for farmers to keep farming.

"By establishing an income tax credit, farmers who must purchase their water from counties will be assisted to continue to grow their crops and keep valuable agricultural lands in production. It is my hope that we will eventually be able to provide State irrigation water to Hawaii's important agricultural land resources and we will no longer need to provide this form of assistance. But until then, this bill is about fairness, it will keep the agricultural lands in production, and it will keep the agricultural resource base that is so needed. I urge my colleagues to support this measure. Thank you."

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

"Mr. Speaker, on the same measure in support. I'd like to incorporate the words of the Representative from Makawao as my own and to further comment that this State does subsidize water in other areas of the State in creating a competitive imbalance. So until, at least until the second water line comes in to Kula, this is a very appropriate measure. Thank you."

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

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

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

"I'm rising in support with some reservation. I know that we need to support our farmers and water is a vital part of the farming experience. But this bill creates a very complicated setup. The county, in most of the counties sell the water. We have had the Board of Water Supply in Honolulu and all the other counties, and all the other counties control the water. And yet we're going to have the State give a tax credit.

"First, we've got to determine what the difference is based on the usage of water, and then come up with a figure. And then the State will come give the farmers some kind of relief. The Department of Taxation thought it was a very hard, unworkable situation and there were other people that testified that really what we should be doing is supporting the development and the maintenance of the available agricultural water systems that we have, and really that's where the money should be going. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1033, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Fox voting no, and with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 879) recommending that H.B. No. 1308, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1308, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"In support of the measure but with reservations. Mr. Speaker, I'm analyzing this bill, as well as the omnibus housing bill. Both deal with the conveyance tax and how we want it to be put in different areas. It's still not clear to me in reading both bills, how those two bills can co-exist in terms of the percentages that we would allot to each area. So I'm a little confused as to the priorities of this Body in passing both measures unless in the following committees in the Senate, they can kind of clarify those measures. Thank you."

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

"Thank you, Mr. Speaker. I have the same reservations and I'd like to have the words of the speaker from Ewa Beach," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, in strong support and with written comments for this landmark legislation involving the Legacy Lands Act. Thank you," and the Chair "so ordered."

Representative Kanoho's written remarks are as follows:

"I write in strong support of this landmark legislation which has been most appropriately referenced as "The Legacy Land Act" of 2005, because this bill will help insure that our children and all the generations to follow will have access to and can enjoy our most precious lands from the mountains to the sea.

"We must not tarry! The time to act is now, before more of Hawaii's beautiful, choice lands are purchased by wealthy out-of-state investors and developed for private residential use or resort-hotel complexes. This bill:

1. Converts the existing "fund for the environment" to the "land conservation fund" which this measure establishes.
2. Provides a dedicated source of funding by allocating 25% of the State's conveyance taxes to the land conservation fund;
3. Designates the Board of Land and Natural Resources to administer and manage the fund through recommendations by the Department of Land and Natural Resources.
4. Authorizes the Board to acquire interests or rights in land having value as a resource to the State for the preservation and protection of assets including but not limited to: watersheds, coastal areas, beaches and ocean access; habitats of endangered species; cultural and historical sites; recreational and public hunting areas; parks, natural areas;
5. Also authorizes the Board (through the Department) to accept applications for grants from State agencies, counties and nonprofit land conservation organizations to accomplish in partnership, the preceding objectives. Where the grant recipient is a county agency or nonprofit land conservation organization, the Board shall require matching funds of at least twenty-five per cent of the total project costs.

"Mr. Speaker, thank you very much in behalf of the people of Hawaii and all the generations to follow, for initiating this very important measure.

"Mr. Speaker and Members, as responsible legislators, we must approve this bill because our priceless lands must be preserved and protected for the benefit of all the citizens of Hawaii, and especially for our children and children's children.

"Indeed, this will be a most cherished, time-honored and deeply appreciated legacy."

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

Representative Berg's written remarks are as follows:

"I strongly support HB 1308 because it strengthens the goal of protecting important lands and resources in Hawaii; a goal that was articulated in the State Planning Act of 1978. When the Legislature passed the Planning Act, there was a general consensus that Hawaii is a unique and beautiful State in all respects. The same is true today. Hawaii is a unique Pacific island community with land, fresh water, air quality, and a diverse mix of cultures and peoples that cannot be found anywhere else on earth. At this time when the population of the islands is growing by the minute and when development and urbanization seem to be ends, in and of themselves, we, lawmakers, have taken a very bold step with this bill to set boundaries to prevent the overuse and abuse of our land, and natural resources. I am proud of all of us for taking the action to enact deliberate movement toward Hawaii's sustainability – environmentally, economically, and culturally."

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

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

"Mr. Speaker, I am rising in opposition to this measure. This bill creates a new special fund of which we have far too many already. Another thing that it does is it will take 25% of the conveyance tax money and put it in to that special fund which will be taking it away from that general fund, which is where that money is going now. General funds are the money that we have discretion over and normally have a hard enough time with them to take care of all the wants and needs. We cannot be all things to all people.

"As the Representative from Ewa said, there are other bills that are moving in parallel that want this money for other uses. I would submit that money going to help with affordable housing and the homeless is more appropriate. There's a question of the nexus for this use, and those are my reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

At 11:05 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1784, HD 2; 631, HD 1; 1152, HD 1; 713, HD 1; 954, HD 1; 1033, HD 1; and 1308, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 880) recommending that H.B. No. 1476, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1476, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, Yes I'm strongly in favor. And may I add a few comments? Thank you, Mr. Speaker. The Mo'okini Luakini is a registered National Historic Landmark that is maintained by the present day Kahuna Nui, Leimomi Mo'okini Lum, and serves as a bridge from the past to our future.

"In order to perpetuate the sacredness of the site, the Mo'okini Luakini, this bill ensures the unimpaired preservation of the visual, the cultural and historical aspects of the Kohala historical sites State monument in North Kohala.

"So, Mr. Speaker, we need to keep our historic sites and pristine surroundings in order to perpetuate our Hawaiian culture for our future generations. I ask my colleagues to join me in supporting this bill. Thank you very much, Mr. Speaker."

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

"In strong support and I'd like to ask that the comments of the previous speaker be incorporated as my own. And I'd like to add that historic preservation is not just important to those interested in academia and interested in history. Actually historic preservation has a vital role in our tourist industry as well. Thank you."

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

"Thank you, Mr. Speaker, very briefly in strong support. For the information of the Members, the buffer required to preserve the monument, this 250 acres. Kamehameha Schools is in the process of negotiating for a purchase of 125 of those acres with the intent of looking at an additional 37. That would leave 88 acres left and so DLNR will be subsequently, the bill should be rendered to subsequently to indicate that the Department should look to see if the additional 88 acres are needed for the buffer. And if it is, to determine the value, or engage in trades or property exchange. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1476, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 881) recommending that H.B. No. 1238, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST

SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 882) recommending that H.B. No. 447, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 447, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 883) recommending that H.B. No. 384, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 384, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I would like to rise in strong support of this measure. Because it seems like we want to or we're going to convert a lot of violators to criminals. This bill states that we want to increase the fees of those public counselors to double the wages that they have now. So, it just stands to reason that since we are increasing the pool of criminals that we should also increase the number of defenders to defend them. And although to me, it seems like while we are in the business of increasing or feeding into the legal industry that we might as well complete the package by increasing their wages. 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. 384, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 884) recommending that H.B. No. 466, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 466, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 885) recommending that H.B. No. 758, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 758, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 886) recommending that H.B. No. 843, as amended in HD 1, pass Third Reading.



Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 843, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising to speak in favor of Standing Committee Report No. 886. Thank you. This bill relates to school lunches. And it does allow the Department to increase the cost of a school lunch. I'm really speaking with concern about what the bill does not contain.

"In some communities and populations in Hawaii, child obesity is twice the national average for kids who are 6 to 11 years. This means that we have a real crisis here in Hawaii. With the prevalence of all children in all ethnic groups from ages 1 to 4 years, again, it was above the expected average. I would think that as this bill moves forward that the school lunch provisions would require that the Department of Education would serve healthy lunches. I guess that those of you who went to the McDonald's event here at the Capitol yesterday, you saw that even McDonald's is doing new, fresh apple slices for consumers. If McDonald's can realize that we need healthy food, why can't the Department of Education. And if the Department of Education isn't doing it on its own, I think that that's a policy matter for us as legislators, for us to say, we've got to improve our school lunches. Thank you."

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

"Thank you, Mr. Speaker, in support. While it's not directly addressed in this measure, the bill does relate to school lunch. One of the problems that I see, because I do spend a great deal of time around the schools and I have four children attending public schools, is a lot of the lunch is thrown away. It's not eaten. It's not appealing to the youngsters. School lunch is bought and the kids you know, maybe take a little bit of the dessert or something and throw the rest away. We could probably feed an entire Marine regiment with the food that's thrown away in the trashcans.

"I think we need to do some work on trying to make the meals more appealing if people actually eat the lunch and not too much of it, as the previous speaker said, and not the wrong kinds of things. Maybe actually the cost per meal could come down. It's just a lot is thrown away, 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. 843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," passed Third Reading by a vote of 51 ayes.

At 11:12 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1476, HD 1; 1238, HD 1; 447, HD 1; 384, HD 2; 466, HD 2; 758, HD 2; and 843, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 887) recommending that H.B. No. 1136, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1136, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I apologize may I go back to SCR 887? Thank you. Mr. Speaker, at this point in time I would just like to really show my appreciation to both the Education Committee and the Finance Committee in trying to help the Charter School movement and passing out a new updated formula for the Charter Schools. My hope is that we can follow through with that and find more money to help support this movement. 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. 1136, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 888) recommending that H.B. No. 19, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 19, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR HOUSING UNITS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 889) recommending that H.B. No. 1028, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1028, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1028, Supporting the University of Hawaii's request for appropriations to establish a distance learning social worker program.

"Hawaii has a problem hiring qualified individuals to work in the social work field. A distance education program would allow individuals to gain advanced knowledge needed for the field of social work, without traveling to the UH Manoa campus. This is especially helpful to all Neighbor Islanders as air travel is both time-consuming and expensive. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1028, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII'S DISTANCE LEARNING PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 890) recommending that H.B. No. 1192, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1192, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Caldwell's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, the Harold L. Lyon Arboretum was established in 1918, consisting of 193.5 acres in upper Manoa valley. It may be the only biological field research facility in a tropical rainforest owned and operated by a University in the United States.

"The deed which transferred trusteeship of the premises of the Lyon Arboretum from the Hawaii Sugar Planter's Association to the Board of Regents of the University of Hawaii clearly stated that the premises shall, at all times, be used solely as an arboretum or botanical garden.

"It is a repository for rare and endangered native Hawaiian plants, an educational program for children and adults, and a teaching and scientific research resource for the University.

"Mr. Speaker, in December 2004 the State Auditor issued its report, "Management and Fiscal Audit of the Harold L. Lyon Arboretum" which was ordered by the State Legislature. This report admonished the University on its failed obligations to be proper stewards of the Arboretum.

"Further, the Auditor's report indicated that the University Administration's neglect led to mismanagement, lack of financial support, physical deterioration of the facilities, and serious safety and compliance problems.

"In light of the findings of the Auditor's report, Mr. Speaker, HB 1192 HD2 is intended to appropriate funds that are essential to the restoration of Lyon Arboretum's infrastructure.

"We know that the Arboretum is in trouble and its very existence is in jeopardy. The University Administration needs our assistance, and we must act as quickly as possible to correct the internal problems.

"I feel strongly that this issue must be resolved quickly, as I do not want to risk jeopardizing either the Harold Lyon endowment, or the land upon which the Arboretum is located.

"The Harold L. Lyon Arboretum is a resource of great value to the State of Hawaii. The Lyon Arboretum has been lauded as a "rare botanical life boat," a "valuable asset," a "crown jewel," a "botanical gem in the heart of Honolulu," a "precious and delicate watershed" and is at the forefront of efforts to conserve and restore the highly-endangered flora of Hawaii.

"House Bill 1192, HD2 is a first step to allow the Lyon Arboretum to recover from years of neglect and to grow towards its full potential and responsibility to our students, the scientific community, the State, as well as to future generations.

"Mr. Speaker, I strongly urge the House to support this measure."

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1192.

"The purpose of this bill is to help the Harold L. Lyon Arboretum (Lyon Arboretum) reach its potential as a research, scientific, and educational institution by appropriating funds for the operation, repair, and maintenance needed to address health and safety concerns resulting from decades of neglect.

"The Lyon Arboretum is a valuable research, biological, and educational asset to UH and the community as it propagates and perpetuates many rare plants species including many native Hawaiian plant species. All over the State many plant species are under threat of extinction including many that are native to Hawaii.

"Hawaii has the most endangered species of any state in the United States and the work of Lyon Arboretum has done much to preserve and protect these endangered species. For these reasons, I urge my colleagues to support the continued funding of the Lyon Arboretum. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1192, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LYON ARBORETUM," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 891) recommending that H.B. No. 1179, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1179, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 892) recommending that H.B. No. 389, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 389, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I am in opposition to this measure. I think that it takes the Little Davis-Bacon Act, which is based on the federal law, far afield from the federal legislation, and takes us right into the private sector. Thank you very much."

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

"Thank you, Mr. Speaker. I am rising in opposition to Stand. Com. 892. On the Order of the Day it says: Relating to Labor, Crosscheck Requirements; Labor Representation. What this does is create a whole new section of law in labor. And in essence it creates a State assisted forced unionization, pure and simple.

"In the Davis-Bacon, the mini Davis-Bacon is only in effect for State and county jobs when we put them out to bid. This is creating a whole new area. It has to do with any properties that the State leases, or whether they are a landlord, whether they get into a developer situation, whether they have a proprietary interest, it would have to do with properties that we rent. It expands things a great deal. And what it actually calls for is

that it makes it lawful for a non-confrontational alternative process for resolving a union-organizing campaign. That alternative process is a so-called, 'cross check', also known as a 'card-check' where an employee's preferences regarding whether or not to be represented by a labor union to act as their exclusive collective bargaining representative is determined based on signed authorization cards.

"The way things work now is that if you have a private contractor who doesn't have a union shop, his employees have a right to organize. They can have a vote with most of them saying, 'Hey we'd get a better deal if we were unionized,' they'd do it. This sort of goes around that. It creates a new situation, not that it isn't done in some other places. But you could have workers on this expanded kind of work. This would even include, say, a renovation at the Outrigger because they have a tax credit. The State is kind of getting them a special deal. So, this bill would actually include that kind of a job.

"So, you could have people outside the job talking to every employee before they go into work. Saying, 'Now you know, we could get you better wages.' Whatever it is that they could keep on them outside and pick people off one by one and try to get them unionized. This bill would grant a monopoly bargaining power to big labor, strangling private businesses providing the State of Hawaii has even minimal proprietary interest in the construction project.

"Recently there was an article in the newspaper that talked about Hawaii's budgeting grade. This was a report done by the Pew Charitable Trust. We got a C. Only a few other states got lower than we did. Colorado had a C-; California, a D; Oregon, a D. Meanwhile, 41 other states received better grades in this category. This had to do with our budgeting and how we handle our budget. Among the reasons the project cited for Hawaii's abysmal grade was that the government consistently raids the Emergency and Budget Reserve Fund and still accumulates heavy debt. One factor in creating these massive debts in the first place, explains the project, is the generous agreements with the State's powerful public employee unions, which has put the budget under chronic stress.

"In the Labor Committee when we heard this bill, the union representatives talked about the need to leveling the playing field. I see this kind of bill and others that we'll hear later today. It's not leveling the playing field. What it's doing is getting rid of all competition of any kind with no consideration that all State and county jobs are funded by the taxpayers of Hawaii. And I think that the taxpayers have a very strong interest in this. Competition is what creates better prices, and if we in this Chamber don't seem to care how much anything costs as long as the union members are getting the top dollar, I don't think that we are looking out for the interest of the taxpayers of Hawaii. Thank you."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, this bill is all about choice. Plain and simple. As mentioned by the previous speaker, there is one form the unions can now use; we're not talking about public employee unions, but private unions, to organize. This gives a second way to organize. And what is great about this new provision is that it avoids confrontation. It encourages cooperation between employers and employees, and as a matter of public policy I think that it's something that this Body would want to support.

"So again, Mr. Speaker, it's about choice. It's not talking about private unions. It's not talking about taxpayers. It's talking about private sector unions and their right to organize by their employees. Thank you, Mr. Speaker."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker, I'm still on 892. I know that you would like me to get off of it, but I just have one more thought. That's correct. This is my second time. Thank you, Mr. Speaker.

"Hawaii is about number two in union membership in the nation and we don't have any kind of major manufacturing. That's remarkable, I would say. My concern on this bill is it virtually guarantees more Hawaiian workers to be corralled in forced unionism, and we already have such high union membership. I would like to just ask that the Members look at this bill more carefully. 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. 389, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer and Stonebraker voting no, and with Representative Arakaki being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 893) recommending that H.B. No. 8, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 8, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Just very quickly, Mr. Speaker. I would say that these kinds of bills are very good. This is relating to the Hawaii Medal of Honor. It basically places anybody with ties to Hawaii on a military honor roll, if they give the ultimate sacrifice of their life, and I'm glad that it's broad as it is. It not only talks about National Guard and Reserves, but active duty and really anybody that has had ties to Hawaii. They don't have to have died while they were a resident of Hawaii. I appreciate that very much. Thank you."

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

"Thank you, Mr. Speaker. On the same measure, I'm in strong support of this bill. It was really an honor for me when this was heard in my Committee because one of our distinguished members of the military that had passed on and was killed in action was one of my cousins, Blake Magaoay. So it's a tribute for us to have, and for me to hear this bill. The family grieves, but this is a medal that we can bestow forever. Thank you."

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

Representative Ching's written remarks are as follows:

"As we are constantly reminded of the War on Terror we can never forget the sacrifices families across our nation are having to endure with the pain of a love one's life being lost. The Hawaii Medal of Honor will recognize individuals who have demonstrated courage and heroism in defense of our nation and its freedom. The Hawaii Medal of Honor allows the State of Hawaii to recognize and pay its respect to the families and our fallen soldiers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 8, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY SERVICE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

At 11:24 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1136, HD 3; 19, HD 2; 1028, HD 2; 1192, HD 2; 1179, HD 2; 389, HD 1; and 8, HD 1; passed Third Reading.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 894) recommending that H.B. No. 595, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 595, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE STATE," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Luke being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 896) recommending that H.B. No. 353, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 353, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, we must do what we can to support the furtherance of organic agriculture in this State.

"I wish to quote the testimony in support of HB 353 from Dr. Andrew Hashimoto, Dean of the UH College of Tropical Agriculture, whose statements did not represent an official University position.

"Dr. Hashimoto stated that funding the Wai'anae Organic Agriculture Center's (WOAC) operating costs will further its goal of creating new jobs; contribute to farm worker training; promote improvements in crop production and the development of new products and markets; provide fresh and safe food for the people of Wai'anae; preserve working rural areas; contribute to clean, resource-efficient, and sustainable farm practices; and help build and nurture alliances among farmers, the higher education sector, and the community."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 353, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ORGANIC AGRICULTURE," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Luke being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 897) recommending that H.B. No. 278, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 278, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to speak in support of this measure. Thank you. Thirty years ago in 1975, the Legislature first passed a measure formally establishing restitution in sentencing convicted criminals. Thirty years is a long time for a legislative concept to mature. Mandating restitution in criminal cases represents closing the loop on unfinished cases started by our predecessors in 1975.

"The Legislature offered hope and healing to crime victims by promoting restitution to a place of prominence within the criminal justice process. Victims in effect, were offered a promise of restoration that was never fully realized. The time has come for this Legislature to fulfill that promise.

"I would like to add additional written comments to my statement. Thank you very much," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Thirty years ago, in 1975, the Legislature first passed a measure formally establishing restitution as an option in sentencing convicted criminals. In doing so the House Judiciary Committee at the time incorporated in its committee the following comments that characterize the essential spirit behind this important concept:

*"...The purpose of this bill is to empower the Courts, in sentencing any person convicted of criminal acts, to make restitution and reparation for loss to or damage inflicted upon the victims of their crimes, a part of such convicted person's sentence. Reparation and/or restitution by wrongdoers to their victims is basic to justice and fair play. The penal system should not be excluded from this concept. Your Committee believes that by imposing the requirement that a criminal repay not only "society" but the person injured by the criminal acts, society benefits not once, but twice. The victim of the crime not only receives reparation and restitution but the criminal should develop or regain a degree of self respect and pride in knowing that he or she righted, to as great a degree as possible, the wrong that he or she has committed."*

"Requiring a criminal offender to pay restitution to the victim for the harm they have caused represents the restoration of ancient and traditional concepts of justice. Throughout history, the concept of restitution was inseparable from principles of crime and punishment. Victims or their kin often took the lead in organizing the communal response to lawbreaking, and the desire for compensation was at least as common as the urge to retaliate.

"Victim restitution fell into disuse when victims lost their central role in the criminal justice process, a development that occurred when formally organized governments emerged and asserted their authority. Crimes against individuals became crimes against the "state." The emerging criminal justice process was focused on punishing offenders, not repaying the victim for the harm they had suffered. It was not until the "victims' rights movement" demanded offender accountability that restitution once again became an integral part of our justice process. Thirty-two states have amended their state constitutions to provide rights for crime victims; nineteen of them include the right to restitution.

"Although enacted in 1975, the real promise of justice for victims envisioned by the Legislature in this provision has not been fully realized. Not only is restitution due to victims not always ordered by judges, but also in cases where judges do order restitution, many offenders fail to pay the restitution they

owe, and judges do not enforce the orders. The legislative history of the establishment of restitution in Hawaii's Penal Code clearly indicates that it was intended for the benefit of the offender's rehabilitation as well as the financial restoration of the victim. It is for this reason that it is critical that restitution be considered mandatory and not optional. The concept of "Restorative Justice", which has enjoyed growing popularity in recent years, is based on the proposition that restoration of the victim is central to the criminal justice system. For victims, restitution is the cornerstone for that "restoration". Similarly an offender must participate in the restitution process in a meaningful way if they are to be "restored" (rehabilitated) to their place as a productive citizen. Restitution must be established as the "price of admission" for an offender's re-entry into our communities as a full participant.

"Thirty years is a long time for a legislative concept to mature. Mandating restitution in a criminal case represents closing the loop on unfinished business started by our predecessors in 1975. The Legislature offered hope and healing to crime victims by promoting restitution to a place of prominence within the criminal justice process. Victims, in effect, were offered a promise of restoration that was never fully realized. The time has come for this Legislature to fulfill that promise."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 278, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Luke being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 898) recommending that H.B. No. 1320, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY 911," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Luke being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 899) recommending that H.B. No. 1750, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1750 pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"I stand in strong support of HB 1750. The purpose of this bill is to appropriate funds to give the female inmates the same opportunity that the male inmates have to participate in a community-based reintegration program.

"It is only fair that female inmates be given the same opportunity to gain valuable reintegration skills before reuniting with their families, re-entering their communities and getting back to the workforce. They deserve the same chance like anyone else.

"This measure will assist with the bigger problem that society faces. Building healthy communities starts with the families and we need to invest in bringing families together and working towards stability and sustainability. For these reasons, I strongly support HB 1750."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1750, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM PRISON TO THE COMMUNITY," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Luke being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 900) recommending that H.B. No. 1199, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1199, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Standing Committee Report No. 900, House Bill No. 1199 HD1 – Relating to the Filipino Centennial Celebration Commission.

"The purpose of this bill is to appropriate funds for the planning of the 100th year anniversary of the arrival of the first Filipinos to Hawaii.

"As you know, Mr. Speaker and colleagues, the Filipino Centennial Commission was created by the Legislature in 2002 for the purpose of planning the celebration of their centennial.

"In the two years since the Commission was established, the fifteen-member Commission has been very hard at work planning and coordinating a yearlong celebration. The members meet every second Saturday of every month since their appointments. All activities relating to the celebration will occur on all islands Statewide. As you know all islands is represented in the Commission with at least one member or more appointed from each island.

"The Commission, thus far, has successfully launched its logo last May of 2004. The participants for the logo competition were artists of all ethnic backgrounds Statewide.

"The Commission already has a full twelve-month calendar beginning in December of this year, 2005, with opening ceremonies to be held on December 10th. It will be followed by the unveiling of the *sakada* statue at the Ola'a plantation on the Big Island. Mr. Speaker and colleagues, it was on Ola'a plantation that the first fifteen Filipino *sakadas* were sent to work within one week of their arrival to Hawaii.

"Throughout the year of 2006, there will be numerous activities with numerous festivals, art exhibits and other shows, which will showcase the diverse culture and heritage of the Philippines. There are also plans by various Filipino organizations around the US to hold their global conventions here in Hawaii, which will bring thousands of visitors to our islands.

"All of these activities will culminate in a gala affair at closing ceremonies on December 17, 2006.

"Mr. Speaker and colleagues, this is a kind of celebration the Commission has envisioned to honor the legacy of those who came before us and paved a future full of promise and opportunities for all Filipinos who came to Hawaii later.

"This is a celebration the Commission has envisioned for the Filipino community to recognize and accept our continuing responsibility to the next generation, to impart to them the lessons of the past so that they may gain a better understanding of who we are today and where we want to be as a people, and as a community that is an integral part of Hawaii and its proud and rich cultural history.

"The Commission believes that the celebration must be a statewide effort, and they need our support, and I urge your strong support. Thank you."

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise in strong support of H.B. 1199, H.D. 1 Relating to the Filipino Centennial Celebration Commission. As a *filipina*, I am very proud of my culture and my heritage. Filipinos now constitute one of the largest ethnic populations in Hawaii, contributing significantly to business and industry, government, and society. As we approach our anniversary of one hundred years in Hawaii, I can think of no more fitting recognition than to help the Filipino Centennial Celebration Commission in their efforts to commemorate this historic event. This is a very proud occasion as we reflect on our ancestors and the journeys and dreams they had making it possible for our existence in Hawaii and America.

Thank you, Mr. Speaker."

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

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. I am in strong support of HB 1199 HD1.

"This bill recognizes the valuable contributions made by the Filipino Community. For it weren't for my forefathers, Hawaii wouldn't be able to reap the full rewards offered to us. Since the arrival of the first Filipino plantation workers in 1906, Filipinos in Hawaii have contributed in the economic, social, and political arena in the State of Hawaii and have enriched Hawaii of their culture.

"The Centennial Celebration will not only bring pride and honor to the Filipino community but it will bring dividends to the economy of Hawaii. I therefore, urge my colleagues to support and pass this legislation with the appropriate funding as requested.

"The formal opening of the 100th year celebration will be on December 10, 2005, to be held on Oahu. On December 17, 2005, there will be an unveiling of a *Sakada* statue in Olaa, Big Island where the first *sakadas* (contract workers) were assigned to work in the Olaa Sugar Plantation.

"Throughout the yearlong celebration, there will be activities and programs scheduled every month. Activities such as floral

parades, cultural shows, barrio fiesta and a Philippine trade Exposition. There are three planned conferences, the Global and National Empowerment conference, the PNAAGlobal convention (Nurses Associations) and also a Youth Sports International Tournament. These activities and programs will bring visitors to Hawaii to participate, which will financially contribute, to our local economy.

"In supporting HB 1199, HD 1, this will be a good investment that will bring a good return to the economy. My fellow colleagues, I ask for your support in the passage of this bill. Thank you, Mr. Speaker."

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

Representative Sonson's written remarks are as follows:

"On December 20, 1906, the SS Doric docked in Honolulu after a long journey across the Pacific, fifteen Filipino men stepped off the ship with hopes for a better life. In their quest to improve themselves, these men and those that followed did much to improve the life and culture of these Hawaiian Islands. They brought with them the tenacity of their people, to help them overcome hardships. They brought the values of their people, where the family was the fundamental unit of society that was to be both guarded and cherished. They brought the generosity of their people, often sharing more than can be afforded while expecting little in return.

"This December will mark the 100th anniversary of their arrival, and these people deserve to be recognized for their contributions to Hawaii. They are Filipino, I am Filipino, and with a voice tempered further by both pride and respect for the accomplishments of those who came before me, I support H.B. 1199 and urge its passage."

Representative Pine rose in support of the measure 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 strong support of this measure. In the early 1900's, my family emigrated from the Philippines with less than a dollar in their pocket, a picture of the Statute of Liberty, and a dream that their descendants will one day go to college and be spared the hardships of plantation life. They were originally from Ilocos Norte, where the first Filipino immigrant came from. Today, my family is thriving due to the sacrifices of my ancestors who overcame great odds so that we can succeed. I am proud to support the Filipino Centennial Celebration Commission for the celebration of the Filipino centennial anniversary of their arrival in Hawaii."

The Chair then stated:

"I hope your comments will not be the same for all of you now."

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

"Mr. Speaker, I have one additional comment in strong support. Until you've been invited by the Filipino community and the Honorable Judge Ibarra to learn to do the electric slide, you don't completely understand the value of the community in the way they welcome people. So I rise in strong support. 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. 1199, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Luke being excused.

At 11:27 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 595; 353, HD 1; 278, HD 1; 1320, HD 1; 1750; and 1199, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 901) recommending that H.B. No. 704, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 902) recommending that H.B. No. 20, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 20, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 903) recommending that H.B. No. 516, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 516, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising to speak in support of 903. Thank you. Mr. Speaker, this bill relates to emergency health powers of the Department of Health. I do have a reservation. It relates to the chemical, biological agent, radioactive nuclear device or explosive event.

"The provision in the original bill, House Bill 516 granted immunity to the Department of Health personnel from civil liability for death, injury or property damage resulting during a CBRNE event. And it should be reinstated into HD 2 of this bill. I hope that if this bill goes forward to the Senate, that the Senate will reinstate the immunity for the Department in such a catastrophic situation. It could cripple its ability to act. It could bankrupt this State without this immunity in such a catastrophic event and I think it was unwise to remove that. Thank you.

"Mr. Speaker, I'm sorry. Can the balance of my remarks be inserted into the Journal? Thank you," and the Chair, so ordered."

Representative Thielen's written remarks are as follows:

"In passing this bill without an immunity provision, we expose the State to tremendous liability as countless individuals could potentially hold the State responsible for any action or

inaction by Dept. of Health personnel responding to a CBRNE event. We must remember that this bill's purpose is essentially to provide flexibility to the Dept. to respond as effectively and efficiently as possible to the medical needs of Hawaii's citizens during a massive terrorist attack that could cause unprecedented damage and devastation. No matter how carefully and thoroughly the State and its agencies attempt to prepare for such a disaster, it is inevitable that pandemonium, panic, and confusion will abound. Therefore, it would be extremely unreasonable and unjust to hold the State accountable for the actions or omissions of Dept. of Health personnel responding during such an unpredictable and chaotic event.

"Moreover, Dept. of Health personnel will shoulder the immense and critical responsibility of helping to secure immediate medical care and treatment for an untold number of people that may be sick, injured or dying. While these health workers will do everything in their power to help those in need of care, in all likelihood, they will be doing so with an insufficient amount of resources and manpower. It would be unfair to hold the State liable for its disaster response efforts when resources and staff may be unavoidably scarce and insufficient.

"In passing HB 516 HD2 in its current form, without an immunity clause, we are exposing the state to unreasonable and virtually unbounded liability."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 516, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY HEALTH POWERS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 904) recommending that H.B. No. 1144, HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1144, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 905) recommending that H.B. No. 875, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 875, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Stand. Com. 905 received strong and detailed testimony in favor of the measure from Alston Hunt Floyd & Ing, and it received strong and detailed opposition from in testimony from the Attorney General.

"What's happening is the lawyer from Alston Hunt Floyd & Ing has lost in the arena of the courts, and he's coming to the Legislature to rectify the situation through law. Win a case that he's lost in court. I don't believe the Legislature should do this. I think we should stand behind our Attorney General who has won the case in court and we should vote down this bill."

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

"Thank you, Mr. Speaker. I've long been for the substitute teachers and I believe they should get any pay that is due to them. But again, as the previous speaker said, this has gone through the courts.

"I have severe reservations. Although the effective date has been chained to July 1, 3000, which I think is a great date. I just don't like us looking at one particular class. This is again is what I spoke about earlier. We're taking one particular class and we're saying we're going to give them special treatment. And we do not like the courts overruling our decisions, and I don't think we should overrule their decisions. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 875, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 46 ayes to 4 noes, with Representative Ching, Finnegan, Fox and Meyer voting no, and with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 906) recommending that H.B. No. 1146, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1146, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

At 11:31 o'clock a.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:33 o'clock a.m.

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. And just to clarify, the stakeholders and DHRD will be meeting together to discuss this particular issue. I hope that the work that has been done with the stakeholders and DHRD so far, will continue.

"I just would like to see if I could go ahead and include in the Journal the testimony in regards to the opposition from Kathleen Watanabe. And hope that they will be able to continue the conversation on this so that we can allow for the shortage of social workers to continue to fill those gaps. Thank you."

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I have strong concerns regarding this bill. DHRD's meetings with various stakeholders have led to the current position classifications. I do however, empathize with social workers who will have to share a title with those individuals who are less educated and or qualified than they are. As DHRD and the social workers continue to meet, I hope a solution will be proposed in order to continue the process of filling the major social worker shortage that we have in Hawaii. Thank you, Mr. Speaker."

Representative Finnegan also submitted the following testimony:

"February 15, 2005

The Honorable Dennis A. Arakaki  
Chair, House Committee on Health

Twenty-Third State Legislature  
State Capitol, Room 436  
Honolulu, Hawaii 9813

The Honorable Alex M. Sonson  
Chair, House Committee on Human Services  
Twenty-Third State Legislature  
State Capitol, Room 323

Dear Representative Arakaki and Representative Sonson:

Subject: Response to Testimony Presented at the Hearing on Saturday, February 5, 2005, regarding H. B. No. 1146.

I was very surprised and disappointed by the testimony that was presented by the Hawaii Government Employees' Association (HGEA), Hawaii Chapter of the National Association of Social Workers (NASW), and the local schools of social work at the hearing on Saturday, February 5, 2005, on H. B. No. 1146.

It is very difficult to imagine how anyone could say that DHRD has not collaborated with the various stakeholders in our efforts to address problems in recruiting and retaining qualified workers to provide much needed professional social services to the community.

In fact, the amount of collaboration that has occurred between DHRD and the affected parties (stakeholder group indicated above, as well as employees, supervisors, managers, personnel staff and directors from the Departments of Human Services, Health, Public Safety and Education) throughout the course of the social worker classification study is unprecedented.

It is also disconcerting that evidently very little credence was given to meeting the stipulations in S.C.R. No. 127, and that very little or no credibility was given to the findings in the three reports which were generated as a result of our meetings with the stakeholder group.

It is unfortunate that the focus of the Social Worker classification study, which sought to meet the pressing needs of the Departments of Human Services, Health, Public Safety, and Education in filling and retaining professional social service positions to provide critical services to our Hawaii citizens, has been lost. Instead, our attempts to fill positions with qualified human services professionals to provide services in child and adult protective services, in mental health services, and in our prison and parole programs, have been denigrated and overlaid with a detracting and misleading call for "title protection."

The stakeholders group consisted of representatives from the HGEA, the various local schools of social work, the Hawaii Chapter of NASW, and DHRD staff. (See Attachment A.)

This group met for a total of six times over a period of about six months. My staff felt that these meetings were productive both in meeting the requirements of S.C.R. No. 127 and in discussing how the need for professional social services in Hawaii could be met. I believe the cooperativeness of this group is reflected in the three reports to the Legislature that were generated by the group. Please note that the first two reports were largely prepared by the HGEA representative and the schools of social work.

"Since that time, several meetings have been held involving all of the major parties resulting in a highly collaborative working process and critical amendments to the original plan. A major change in plans is to merge the social work and HSP series with preferential hiring given to those with social work degrees. The group will continue to engage in regular



dialogue in order to address the long-term problem related to Hawai'i's Social Worker shortage. . . . We would also like to thank DHRD for their willingness to work with the various constituents to develop a proposal that benefits Hawai'i's vulnerable populations." (*Transmittal letter dated August 25, 2004, attached to the first Stakeholder Report to Senator Brian Kanno and Representative Marcus Oshiro from Dr. Jon Matsuoka*).

"For the HGEA, NASW (sic) the UH School of Social Work and HPU, the immediate concern was the elimination of the Social Worker series for the previously cited reasons. After several meetings between the parties, a compromise was achieved. The compromise involved changing the title of the Human Services Professional series to Social Worker/Human Services Professional. While not an ideal solution, it did preserve a career path for those with social work degrees, as well as those who will receive social work degrees in the future." (*page 2, paragraph 2, first Stakeholder Report to Senator Kanno and Representative Oshiro dated August 25, 2004*).

" . . . The Department of Human Resources Development (DHRD) has developed a human services professional classification along with specialized Social Worker classes and pricing that took effect on May 1, 2004. These are promising developments that should help to improve the recruitment and retention of social workers and fill vacant positions." (*begins bottom of page 1, second Stakeholder Report to Senator Kanno and Representative Oshiro dated November 10, 2004 .*)

There continues to be some misunderstanding regarding differences between the minimum qualification requirements for the current Social Worker series and the new Social Worker/Human Services Professional series. While it is recognized that applicants with bachelor's and master's degrees in Social Work are preferred candidates for our professional social service jobs, a BSW or MSW has never been an absolute requirement to qualify as a Social Worker in State service. (See Attachment B.) However, the establishment of the Social Worker/Human Services Professional series allows applicants with broader ranges of education/experience to qualify at higher levels. Previously, where only social work experience qualified for the specialized experience requirements, applicants who have experience in a field such as counseling may now be considered.

A primary goal of the Social Worker classification study was to recruit and retain greater numbers of professional social service workers. We feel we are making a start in this direction, as borne out by the following recruitment figures:

- Initial Human Service Professional III and IV recruitment conducted May 16-28, 2004: 123 eligibles (compare with the last SW III and IV recruitment conducted during February and March 2004: 48 eligibles)
- Social Worker/Human Services Professional II, III, IV, V recruitment conducted during September and October, 2004: 85 eligibles

All three Stakeholders' Reports note that the group focused on short-term goals and long-term goals. A primary short-term goal was the compromise reached in establishing and titling the new Social Worker/Human Services Specialist series. This was seen as a means to obtaining more professional social service workers.

However, the Stakeholder group also established long-term goals which could ensure that we continued to retain the

necessary cadre of professional social service workers to serve some of the neediest people in our State. These long-term goals, emphasized in the second and summarized in the third Stakeholder Reports, included providing support to the professional schools of social work, in particular the UH School of Social Work, which is the primary source of qualified professionals for the State's social service programs; establishing/expanding paraprofessional human services degree programs in the community colleges; and expanding stipend and other education aid programs. These goals further included providing support to current employees in the form of manageable caseloads; timely and pertinent training; adequate supervision; and fair wages. Finally, long-term goals included forming a coalition of individuals and agencies, including the Governor, Legislature, State and private social services agencies, educational institutions, hospitals, schools, affected unions and the federal government to work collaboratively in addressing the problems of recruiting, training, and retaining qualified human services workers, and getting to the root of problems, such as substance abuse and family violence, which necessitates the need for such workers in the first place.

The establishment of the Social Worker/Human Services Professional series is making a start in addressing the chronic shortage of professional Social Workers which has plagued not only Hawaii, but the nation, for decades. In establishing this series, my staff drew on the expertise and concerns from a multitude of persons and groups, including the Office of the State Auditor, which recommended in 1990 that the Social Worker classification be reviewed "to determine whether other degrees can be substituted for the M. S. W. for some or all Social Worker positions and whether social work specialties (separate classes and pricing) or other human services classifications should be developed." (*Legislative Auditor's Report - Study of the Social Worker Shortage Among State Agencies; also referenced on page 1 of the Stakeholders Report, dated November 10, 2004, to Senator Brian Kanno and Representative Marcus Oshiro*).

DHRD did not undertake this social work classification study lightly. Several options were explored, including having separate classes for Social Workers with and without social work degrees. However, significant differences in work assignments and necessary skills and knowledge could not be determined, even after repeated discussions with departmental and other staff members. Separate classes could therefore not be justified.

If we restore the Social Worker series and reallocate positions back to the Social Worker series, we will be taking a giant step backwards. According to the terms of H.B. No. 1146, we may also be negating some of the truly positive parallel developments which came as a result of the establishment of the Social Worker/Human Services Professional series. These are the establishment of the Child/Adult Protective Services (C/APS) Specialist and Supervisor classes, and the Parole Officer series. The C/APS Specialist and Supervisor classes have been given separate titles and are paid higher than journey and supervisory level positions in the SW/HSP series in recognition of the extremely difficult protective services work they do. Parole Officers now have their own series to recognize and be more responsive to the kinds of work they do.

I firmly believe, and our meetings with the stakeholder group also led me to believe, that the establishment of the Social Worker/Human Services Professional series, while not a panacea to resolve all of our Social Worker shortage problems, is a step in the right direction.

Very truly yours,

Kathleen N. A. Watanabe  
Director

baccalaureate degree but without work experience. Such individuals are normally hired at the entry level (i.e., Social Worker I or SW/HSP I). Also shown are the qualifications for those with an advanced academic degree such as the MSW or relevant work experience who are normally hired at the SW III or SW/HSP III level.

Attachments

c: Honorable Lillian B. Koller  
Honorable Chiyome Fukino  
Honorable Richard Bissen"

"Attachment A

**MEETINGS WITH STAKEHOLDER GROUP**

S.C.R. No. 127 Team

Meeting Dates: June 23, 2004  
July 28, 2004  
August 18, 2004  
September 24, 2004  
October 22, 2004  
December 10, 2004

Regular participants (attended all or most meetings)  
Dr. Jon Matsuoka - Dean, UH School of Social Work  
Jackie Graesse (MSW) - UH School of Social Work  
Dr. Mary Sheridan - Hawaii Pacific University Social Work Program  
Debbie Shimizu - National Association of Social Workers, Hawaii Chapter  
Kevin Mulligan - Hawaii Government Employees Association  
Diana Kaapu - Department of Human Resources Development (DHRD)  
Harold Tadaki - DHRD  
Dawn Young - DHRD  
Suzanne Sasaki - DHRD

Intermittent Participants:  
Dr. Susan Chandler - UH School of Social Policy/School of Social Work  
Dr. Sharlene Furuto - Brigham Young University Social Work Program  
Darrin Sato - NASW, Hawaii Chapter  
Willie Chai - Hawaii Government Employees' Association (HGEA)  
Nora Nomura - HGEA  
Janice Kemp - DHRD Deputy Director  
Winona Chun - DHRD  
Wayne Law (MSW) - Department of Health (DOH)  
Sharon Tanaka (MSW) - DOH  
Amy Tsark (MSW) - Department of Human Services (DHS)  
DHS Personnel staff members  
Ed Nose  
Patti Taketa  
Bonnie Lee  
DOH Personnel staff members  
David Knight  
Bev Koito  
Penny Kosaki  
Alan Ishikawa"

**Social Worker Classes**

**New Social Worker/Human Service Professional Classes**

Requirements for entry at the I level (i.e., basic requirements for entry to occupation)	
Bachelor's degree with a minimum of 12 semester credits in social science courses such as psychology, sociology, social welfare, social work or other related social science. (Social sciences encompass a broad range of concepts and ranges of disciplines, and generally look at social environments, which include social organizations and institutions. Social sciences include fields such as geography, history, journalism, and political science.)	Bachelor's degree with a minimum of 12 semester credits in behavioral sciences courses such as psychology, sociology, social welfare, social work, counseling, criminal justice, human services, or other behavioral science. Behavioral sciences relate to fields of study which examine human activities in attempts to discover recurrent patterns and to formulate principles and rules about social behavior.
No experience required.	No experience required.
Requirements for qualification at the III level (Applicants must have <u>either</u> the required education <u>or</u> the required experience in addition to the Bachelor's degree)	
Education	
Successful completion of a course of study leading to a master's degree in social work.	Master's degree in counseling, psychology, social work, social welfare, sociology or other behavioral science which included completion of a minimum 3 courses dealing with the human condition such as understanding human behavior, motivations, and emotions; socialization processes; personality development; understanding of various cultures; behavior disorders; etc. Completion of a practicum or internship is preferred.
Experience	

"Attachment B

**Comparison of Qualification Requirements**

The qualifications required for the Social Worker/Human Service Professional are not "less than" those required for the old Social Worker classes, either in terms of academic degrees required or the experience required. They are "broader."

These differences can be seen in the display below which shows the qualifications for new college graduates, with a

<p>1/2 year of work experience providing social welfare services and</p> <p>1 year of progressively responsible professional social work experience (specifically excluded is experience in providing vocational, educational, psychological, or pastoral counseling)</p>	<p>1-1/2 years of progressively responsible professional work experience which involves helping individuals and their families find satisfactory ways of identifying their problems, coping with their conditions, and functioning effectively within their environments. Usually includes identification and evaluation of the client's problems and needs; the development of a service or treatment plan; the initiation and implementation of services; monitoring and assessment of progress; and amending the treatment plans as necessary.</p>
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Representative Yamane rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker, I would like to declare a potential conflict. My conflict is that I am a social worker and this is dealing with social workers," and the Chair ruled, "no conflict."

Representative Yamane continued in support of the measure, stating:

"Thank you, Mr. Speaker. May I make some comments in strong support? This issue is dealing with role perception. The definition of that is people's belief about what they are suppose to accomplish in their job description.

"What this bill does is ask the Department of Human Resource Development to not eliminate the title of Social Worker. It has been noted that this would be impacting the Director's ability to eliminate a job position description. I'm sorry but my computer just went down with my testimony.

"The policy option that was stated regarding DHRD which they state, which is in a study done by them, did not give any recommendation as to the elimination of the Social Worker series. However, they did recommend several steps in which the Department of Human Resources can add and enhance the series. I guess in their insight, they rather have resolved this problem by eliminating the series rather than working to enhance it.

"In regards to following business practices, looking at Total Quality Management principles, as well as looking at adequate organizational behavioral factors, we would conclude that if you incorporated these practices, you would actually try to enhance the series rather than eliminating it.

"One final comment. A quote from Mr. Douglas McGregor. It's an article regarding his book, *The Human Side of Enterprise*. He states, 'When man's social needs and perhaps his safety needs too, are thus thwarted, he behaves in ways which tend to defeat organizational objectives.'

"Mr. Speaker, these are people who are dealing with the most needy individuals of our society. We cannot put their safety, their issues, our children, in the hands of people who are not appropriately qualified to deal with them. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. I did not recognize in the remarks of the speaker from Mililani, the situation as I understand it today. Basically what the bill he introduced does, and what we're debating right now would do, is make it impossible to have two tracks of jobs, one for social workers and another for people who are not quite the level of social worker, but do jobs that help people that really need help in the area of human services, and jobs that are going unfilled because we don't have enough social workers. And this thing has basically been worked out.

"We heard in Finance testimony from a representative of the Hawaii Chapter of the National Association of Social Workers who conceded that the agreement has basically been worked out with the Director of Human Resource Development, that would allow for two separate tracks, and recognize the fact that we don't have enough social workers to fill both tracks.

"Because that is the situation, I directed a question to the representative of the Hawaii Chapter of the National Association of Social Workers. I said, 'Why in the world then do we need this bill when we're actually working everything out?' And she said, 'Well we need it because we've got to make sure that things go along the right way.' So this is being used as a bargaining tool, the threat of making everybody a social worker, which would mess up everything we're trying to do.

"And it's another example, I must say, Mr. Speaker, with some real sorrow, another example of the Legislature trying to micromanage the work of the Administration, which is simply trying to do the best job it can to deal with a recognized need in this community. We have empty positions because we do not have enough social workers. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in strong support. Mr. Speaker, I support this measure, as your former Chair of Human Services. Last year we went throughout the State trying to deal with the child protective services issue, which social workers are at the front line of giving this service.

"I view this bill as more as a consumer protection issue. It's almost like having the consumer know that they have a trained social worker that will deal with their sensitive problems. And I urge our colleagues to support this 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. 1146, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses and Stonebraker voting no, and with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 907) recommending that H.B. No. 244, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 244, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support. This bill is essential to ensure that the most needy are not forced to go without when delays in processing of their welfare applications are caused by the Department of Human Services.

"It is important to note that while DHS objected to the first draft of this bill, because among other things, it did not account for delays caused by clients, HD 1 exempts these types of delays. It's also important to note that while DHS initially testified that the bill would cost \$1.1 million, they later amended that estimate to approximately \$75,000 when client-caused delays were excluded. DHS pointed out that they have emergency processing provisions, however only a few people in extreme situations qualify for this.

"Mr. Speaker, the impetus for this bill was that advocates for the poor such as the Legal Aid Society, had seen clients being forced to wait past the 45 day deadline because the DHS doctor was not available to evaluate them. This is clearly a circumstance beyond the client's control and they should not be penalized for it. I urge my colleagues to vote yes on this bill, to protect the most vulnerable in our society."

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

"Thank you, Mr. Speaker, in opposition. I will attempt to be very brief. The Department of Human Services testified in the last Committee that they are still greatly concerned about the fact that you can't sort out easily who's responsible for a delay. They may be in a situation in which they have no control over the delay, but the claimant is quite clear in their view that DHS, not the claimant, is responsible for the delay.

"I don't think we need to micromanage DHS in this way. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. I believe that DHS has told us that between 95% and 98% of all cases are handled well within the 45 days. We're talking about only a few cases and those are the ones where they can't get the information, where somebody doesn't show up for the appointment, doesn't return phone calls, doesn't provide the information that's requested so a determination can be made. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in support with some reservations. I think my largest concern is if they get the decision by this presumptive eligibility and it's later found out that they were really not eligible, it's very difficult to get the money back once they've been receiving payments. These are not folks usually, that have jobs and have the source of income. The money will have been spent, it's gone. It's probably not worth litigating to try to get it back. We're creating a situation that could just be like throwing money away. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support. Mr. Speaker, the risk to the State is minimized in this particular bill. First, it was already admitted that 95% to 98% of the claims that are processed don't take 45 days. And two, the bill explicitly excludes delays that are due to the claimant or the client. And it is also the call of the Department whether a delay is caused by the claimant or the Department. So the worry that this will create a high risk to the State is clearly wrong, and it is erroneous to say that we have such a big risk.

"On the other hand, the value of this legislation looks at the particular claimant who is in dire need, dire straights. These few dollars, although it's approximately \$75,000, by the Department seems like a lot of money. However, this goes to the possible claimants and their lives. But each individual claimant that goes past the 45 days may be well on the street and may be beyond help at some time. That is why this is a humanitarian bill. A compassionate bill. I urge that this Body to vote for it. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in support of this good Women's Caucus bill, and I'd like the words of the Representative from Waianae to be entered into the Journal as my own. Thank you," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Moses and Stonebraker voting no, and with Representative Arakaki being excused.

At 11:45 o'clock a.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 704, HD 1; 20; 516, HD 2; 1144, HD 2; 875, HD 2; 1146, HD 1; and 244, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 908) recommending that H.B. No. 1317, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1317, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in opposition to this bill. I'd like to try and explain what this bill is and how I believe it harms the amount of money that we can get reimbursed, which is an additional revenue in regards to the Medicaid program.

"What the Department of Human Services wants to do in this bill is to do a 'carve out.' The carve out seems to have a negative connotation to it. That is you're taking drugs or prescription drugs benefits away from the Medicaid recipients. But there is going to be no change, I repeat, there is going to be no change to these drugs that are in, quote unquote, 'carved out' of the Medicaid program.

"What the issue is on the side of the managed care companies, is that it's hard for these managed care companies to manage their insurance product if you take out the prescription drugs from the whole program. The issue that Director Koller is saying is that we can get better cost of prescription drugs. And this is only some of the classifications of drugs. We can get better costs if we join this multi-state pool because this involves six or more states which would be a total in revenue or reimbursement from these drug companies up to or pass \$20 million dollars in savings, not even in savings, in revenues. Money will come back to us in revenue that we can use for situations like Medicaid and presumptive eligibility and what ever else we might be talking about in regards to Medicaid.

"So one of these things that Director Koller has mentioned is that for these managed programs, the health managed programs

and insurance coverage, Director Koller has offered, that if you tell her, to these HMOs, if you tell her what kind of rebates you're getting currently, that she'll make you whole by getting additional reimbursements from this multi-state purchasing pool, passing that savings on to the different HMOs, and then using that additional savings, whatever that may be, to help with our Medicaid program. To me I think, I think that's not an issue of wanting to do this Medicaid waiver. I repeat, this is additional money that the State of Hawaii can save that will be coming back from those drug manufacturers to our, I guess, general fund. So, I don't understand why we want to hinder that. We need these extra millions and millions of dollars. And I encourage this Body to kill this bill. Thank you."

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

"Mr. Speaker, in support. Mr. Speaker, this bill ensures that Medicaid beneficiaries continue to receive a broad range of medical coverage by prohibiting DHS from removing prescription drug benefits from managed care plans that provide healthcare coverage for Hawaii Medicaid beneficiaries. The Hawaii Association of Health Plans, Aloha Care, Kaiser Permanente, and concerned individuals supported the bill. Aloha Care testified that under the current QUEST Program, that health plans managed all the pharmaceuticals, and this has been very successful. Aloha Care expressed concern that DHS has not done its due diligence with its proposal to bring the aging, blind, and disabled in to managed care.

"The care for this population could be disrupted if pharmacy benefits are carved out of the managed care programs putting at risk these patients' well-being. Moreover, Aloha Care noted that studies have shown that carving out pharmacy can have a negative impact both clinically and economically.

"Mr. Speaker, Aloha Care is owned by the Waianae Coast Comprehensive Health Center, which provides critical services to Leeward Coast residents. Please support this important bill."

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

"Thank you Mr. Speaker, in strong support. It is a complex bill and there is a lot of money involved, but that's not all really that involved. Patients are involved. What happens is, if you carve out a large amount of medications for the benefit of having those medications to be put into a pool, you diminish the control that HMO plans, the Aloha Care plans, HMSA, Quest plans have in actually prescribing medications. There are really not any absolute guarantees that the same medications that were previously prescribed by mid-level providers, by physician's assistants, by doctors, will ultimately be the same medications to end up in a patient's body; in your grandmother's body; in the child's care. There are no guarantees.

"When we separate and treat things in medicine simply as a business, which I do have to admit that we have to be mindful of business interest because we have a shortage of resources to take care of all of our good people. But when you do focus first and foremost on the business implications you often lose sight of the fact that this is healthcare. I have great concerns that taking control away from certain people who are actually providing for the purpose of dollars that are not guaranteed will affect people's care.

"The fact of the matter is, whenever you add a significant change to a system there will be large, large gaps in continuity of care. It's very complex to actually keep that medicine on formulary for the same people. It can go months at a time. I see people shaking their head but that's the simple truth. I

prescribe medications and when changes are made, the system becomes burdensome, switches get made and they're not always the same. People lose faith in their doctor when they have to have a new medicine, even though it appears to be different, it may be by a different name because it's now generic or something. People lose faith in the prescription capabilities of their doctor. They get confused and they quit taking their medicine.

"It's a very complex issue and I do want to see us maximize our resources for the State, but I don't want to see us do it to the detriment of the care of our patients, so I strongly support this bill, sir."

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

"Thank you, Mr. Speaker, in opposition. The good doctor from Kona talks as if the medication is going to be changed, it's not. Medication is identified by name and does not change. What changes is who negotiates for a reduction in cost. Mr. Speaker, we seem to be getting away from the theme of Hawaii Rx that brought us together in the last legislative Session. The idea was to pull together and do combined purchases using the power of the State to bring down the cost of drugs. That should remain our objective. We should be sitting in our seats today worried about how we can get the cost of medication down as low as possible. That's certainly what the Department of Human Services does.

"I think that the Representative from Waianae was very frank, when she talked about economics driving the opposition to this. Of course HMSA, and Kaiser are not sure that they want the medications pulled out of their pool and negotiated by the State on behalf of the Medicaid recipients. But let's not have one doubt, one iota of doubt, that the Department of Human Service is absolutely within its powers, when it negotiates on behalf of our Medicaid population. It is DHS that administers the program. Thank you, Mr. Speaker.

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I rise for a second time, in opposition. I just want to make one clarification because it can be very confusing. This is not a PDL. This is not a formulary. So that comment was made that when you change formulary, we're not changing what the doctor can prescribe. We're not anywhere tinkering in that. What this is, is basically like Rx. Rx didn't tell you that you couldn't buy certain drugs. Rx just said that if you buy certain drugs, it will be a part of this pool in purchasing and it'll get you a discount.

"This is not a PDL, not a formulary. This is just saying that we can attach our purchasing to a larger pool than HMOs can. Therefore, we can get larger savings, and if that means that you cannot manage your particular insurance program because you've taken out the prescription drug part, the Department of Human Services said, we will make you whole again. And then we will reap the benefits of additional reimbursements from the drug manufacturers so that we can enhance what we have now which is \$20 million plus. Thank you"

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

"Thank you, Mr. Speaker, in opposition. I think that we're failing to realize is that this is like when you want to buy Kleenex. So you can go to Safeway or Longs. Or, you can go to Costco's or Sam's, 'big box'. You're going to save money if you go to the outlet that has been able, through bulk purchases, reduce the costs and then pass it on to us. It's the same, exact thing you can still get Kleenex. It's just allowed the State to

take the whole package and negotiate the price. Same formula. It's still Kleenex. 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. 1317, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 909) recommending that H.B. No. 162, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 162, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 910) recommending that H.B. No. 633, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 633, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm speaking in favor of this but with real reservations. Mr. Speaker, this is yet another bill that tells DCCA that you can reduce your prices but you can't do anything else. The Director of DCCA testified that he would like to make a change in this bill that would simply allow him to go back up to the original fee that was charged if he needs to retain self-sufficiency for his operation. That seems like such a reasonable request. I don't want to vote against this bill. I want to hope that we can make that reasonable change. The fees would be capped at where they once were. They would be reduced as the ability to reduce them comes up. But if you have to go back up, you could go back up to that original price.

"I just want to comment Mr. Speaker, on a couple of points that were raised by the Chair of the Consumer Protection and Commerce Committee. It's on the general subject that we were talking about, the DCCA fees. He said that we were simply trying to codify these fee reductions that DCCA is undertaking. Unfortunately, Mr. Speaker, when we codify it, it becomes law and it becomes inflexible. We can't change it except by amending the law.

"He also said that the Hawaii Chamber of Commerce was strongly in favor of these measures to reduce fees. Mr. Speaker, I was present in Finance when the Director of DCCA spoke against taking away his flexibility and the Hawaii Chamber, in its oral testimony said that if it was going to complicate the ability of DCCA to remain self-sufficient, they would back off. You know, an inflexible effort to reduce fees. That's my understanding of where the Hawaii Chamber is on this issue. Thank you."

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

"Mr. Speaker, I rise in support of this measure. I'm very perplexed about some of the testimony with reservations or those against this measure. Maybe it's an opposite day where

here we are on this side of the aisle pushing for measures that are pro-business, that reduce fees to provide, really a fair regulatory environment for Hawaii's businesses. We've been getting criticisms by the other side of the aisle year after year about that, and now I'm finding out, once we do this, well then, no we really didn't want that. Which way is it? These bills again are designed to reduce fees.

"I think with government, when it comes to fees, we owe the regulated community basically three things, when we come up with these fees. One is accountability. We should explain to the regulated community what these fees are going to be used for. I think that also, transparency, so that it can be disclosed so businesses can see the services that are provided equal the cost that are being paid for. And third thing is stability. You know we want to provide stable fees so that businesses can plan for their yearly budget. And I think that these measures provide all these things and more. We don't want to raise fees. Of course, we don't want bigger government. We don't want more regulation. And if you're opposed to these bills, essentially, isn't that what you're saying?

"Because this particular bill, H.B. 633, HD 2, what this bill says is that the DCCA can reduce fees without having to go through rule making, without having to go through a public review process, because, in the process of reducing fees, we provide support to the business community. What this bill also says is that, you can increase fees, DCCA. It doesn't prohibit them from increasing fees but if you are going to increase fees, go through the rule making process. Explain to the business community why the fees are going to be raised, provide accountability, provide transparency, have a public hearing. And that's what this bill says.

"It doesn't prohibit them from raising fees as has been suggested by the previous speaker. And the Chamber of Commerce did testify in favor of these measures. They said however, they would be opposed if it jeopardized the self-sufficiency of the DCCA. That is why when setting these caps, we were very careful to set the caps in where the present fees are set.

"In this H.B. 633, it's up to the Commissioner if he or she want to reduce fees. We're not forcing them to reduce fees. If they are going to be in jeopardy of their self-sufficiency, the Commissioner would not reduce fees. We don't mandate the Commissioner to reduce fees. We just say that if you want to do it, go ahead. You don't have to go through a public rule making.

"So, Mr. Speaker, at the end of the day when you look at the fees, and all of the other measures we looked at, maybe I was naïve. I thought that somehow that we would be praised on this side of the aisle for producing and pushing forth such really pro-business measures. But yet I'm hearing criticism and it perplexes me because here we are trying to listen to all the concerns that are out there from the business community, from the other side of the aisle. And when we move these kind of pro-business measures, we get these types, this kind of criticism. I don't think that it's fair. But I'll take it for what it is and I'll end it here by just saying these are bills that are supported by the Chamber of Commerce, they are pro-business, the regulated community is in favor of these bills, and I think we should move this forward. Thank you."

At this time, the Chair stated:

"Members, we've had a lot of discussion on these particular measures. This is the third of maybe fourth measure dealing with the Department of Commerce and Consumer Affairs. The Chair will allow one more speaker at this particular point and allow others to insert written comments. Representative

Meyer, I believe you already spoke on the previous two. Would you allow Representative Halford to speak?"

Representative Meyer rose, stating:

"Alright, I just would like to make one small point. Thank you. The Chair of Consumer Affairs keeps asking why do we have problems because we are always in favor of lowering fees. Because the DCCA is a very special Department and it's totally funded by its fees. And so these bills, while they look well intended and they have support, even this one, the Chamber of Commerce was in favor of it but they specifically said, not if it jeopardized the Department because of the nature that it is funded by special funds. It's not general funded, and that is a concern of theirs and we can't emphasize that enough. This bill and others like it seem to put a cap and not give the Department the flexibility they need to raise fees when it's appropriate. Thank you."

The Chair responded, stating:

"Representative Meyer, your point is well taken and its been reiterated by the Minority Leader also."

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

"Thank you, Mr. Speaker, in support with reservations. Mr. Speaker, it's simplistic to say, and it's true and simplistic both to say cheaper; and that people would prefer to pay less for something. Mr. Speaker, what's more important for people and to businesses is getting value for dollars spent. That is what is of issue here. In the past, a decade or so ago, the DCCA was an oppressive organization, in my view, funded out of the general fund, which was an obstacle to business.

"In recent years DCCA has changed to a self-funded organization for the purpose of serving its clients, serving the people that it regulates. And that relationship has worked out very well for the business community. They appreciate the change. They see now that they get the value for the dollar. And that Mr. Speaker, this is what business wants. They want value for the dollar. They don't want just cheap. And that's the reason why the Chamber of Commerce is willing to back off. You know they say, sure we'd like for things cheaper, but if its going to compromise the improved services that we've gotten because DCCA is now an relatively independent organization serving the business community, they don't want cheaper. They want value for the dollar. And that, Mr. Speaker, should clarify some bewilderment. Thank you."

Representative Pine rose in support of the measure 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 support of this measure because I support lowering the cost of doing businesses in Hawaii and because the Majority has stated that the Director of DCCA will have full authority to raise or lower fees according to the needs of his Department. I cannot and will not support this measure if this bill is intended to handcuff the Director of DCCA to have no authority to ensure that his Department runs efficiently and effectively. But as the Majority has stated on this floor, that the intention of this bill is to give the Director more flexibility, I will support this measure for this reason."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 633, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 911) recommending that H.B. No. 1469, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1469, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 912) recommending that H.B. No. 1657, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1657, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Brief comments in support. This is another good pro-business bill. This bill will help Hoku Scientific, a Hawaii-based technology company, in building a facility in Kapolei. Hoku Scientific's fuel cell membrane technology will not just positively affect Hawaii, but potentially the world. Their technology will provide clean and efficient energy, and reduce our dependence on batteries and fossil fuel. 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. 1657, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST HOKU SCIENTIFIC," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 913) recommending that H.B. No. 283, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 283, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, I rise in support. This measure establishes a Commission to recognize and honor Senator Hiram Fong, who was a great inspiration to many of us in our State and possibly, I believe, to our nation as the first Asian-American Senator.

"There are many good reasons to honor Senator Hiram Fong, who hailed from my district, Alewa Heights, my House District. He was an inspiration. And I think that having a Commission will help especially our young people, know that you can make it despite all odds. Senator Fong came from a impoverished background, and he worked very hard. In fact one of the last things he ever said to me, I remember is his favorite motto, 'Work hard, work hard,' and I think that those are honorable attributes and an inspiration.

"So with strong support but with one concern. I see there is an amendment to change the piece of legislation that the Act shall take effect on July 1, 2010 and I don't see why the children of Hawaii should have to wait that long. I don't think that is should take that long to establish the necessary members of this Commission. And I also note that only one member of the family is included to be in the Commission. And I note that local family members for some reason, were not in testimony,

those that live on the island. So with those concerns, I still do have strong support for the intention. 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. 283, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR SENATOR HIRAM L. FONG," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 914) recommending that H.B. No. 1390, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1390, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. Money for the culture and the arts is very important and I want to ask the Legislature to consider what was done last year in regards to the TANF funds in looking for money to help support the culture and the arts. It's recognized federally that culture and the arts help at-risk students and I think that we can work collaboratively with the Department of Education and the Culture and the Arts to provide some of that money in that direction. I also do believe that it's recognized to help the prevention of at-risk students and would request that we consider that for funding. 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. 1390, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Third Reading by a vote of 51 ayes.

At 12:11 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1317, HD 1; 162, HD 2; 633, HD 2; 1469, HD 1; 1657, HD 1; 283, HD 1; and 1390, HD 1; passed Third Reading.

#### LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Arakaki, on behalf of the Uchinancho legislators, Representatives Nakasone, Shimabukuro M. Oshiro, B. Oshiro, Takamine and himself, as well as the Chairs of the Committees on Education, and International Affairs, introduced students participating in the Hawaii-Okinawa Student Exchange Program.

Host Family Students: Mr. Steve Moore of Leilehua High School; Ms. Trisha Bise and Mr. Randy Nagata of Waipahu High School; Ms. Sarah Drewry of St. Francis High School; Ms. Jamie Kim of Mililani High School; Ms. Brittany Kitamura of Kapolei High School; Ms. Cynthia Shimazono representing her daughter Elaine; and DOE Student Activity Specialist Mr. Blaine Shinno.

Representative Arakaki then introduced the high school students from Okinawa, accompanied by Mr. Takashi Uezu, High School Specialist; Ms. Kumiko Yabe, teacher at Naha Nishi High School; and Mr. Akira Ota, teacher at Haeburu High School.

Representative Hale: "Thank you, Mr. Speaker. This is an example of what Hawaii means to the world. To have them come and learn about Hawaii and its aloha spirit. Thank you."

Representative Fox: "Begging your indulgence at this slight break in our rhythm. Today is the birthday of our esteemed Minority Floor Leader. She is certainly working very hard on her birthday and I'd like us all to give her a round of applause while she's still fresh and a spry young woman. Thank you, Mr. Speaker."

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

The House of Representatives reconvened at 12:14 o'clock p.m.

At this time, the Chair stated:

"At this time, we started about 8:45 a.m., and it's now 12:15 p.m. So the House of Representatives will recess and reconvene at 1:00 p.m. to take up all matters on the Order of the Day from page 16 through 36. So recess, and there's lunch in the Caucus room for all of you. We'll reconvene at 1:00 o'clock."

At 12:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m. with Vice Speaker Takai presiding.

#### STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 915) recommending that H.B. No. 1302, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1302, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support with some comments and some concerns. We had a discussion on some of these bills before, and I just want to say that as Republicans, we've been steadfast in our desire to lower taxes and fees and this bill does that. However, this is another of those bills that I talked about earlier, that it's a 'wolf in sheep's clothing' bill.

"What this bill does, it would cost DCCA an estimated \$702,000 in revenue this year alone, coupled with \$150,000 in lost revenues that H.B. 99 is looking to cost the Department. We're looking at over \$850,000 dollars a year cut from DCCA's budget. Remember Mr. Speaker, DCCA is completely user-funded. There's no general funds at all.

"Mr. Speaker, I have no doubt that Director Recktenwald intends to continue along the course that he has charted which has seen many fees in cost reduced by the Department over the past several years. The business community has testified that he has done a superb job of meeting their needs and working with them on a user-friendly approach to business. It appears he knows what he's doing. And my point is the Director and his team are the experts in their respective areas and this Legislature should empower them to do their jobs; not try to suppose that we can do the jobs better than they can.

"After all, Mr. Speaker, you can tell this Body how they can spend their legislative allowance after they ask for an approval,



but you don't direct them. In January you buy a new water cooler and in February you buy a new coffee pot. You wait until they ask and see if that's what they need. But, you don't direct them how to spend their money.

"This bill proposes to reduce by at least 50% of all the filing and service fees charged by the Department of Commerce and Consumer Affairs for business filings made with the Documents Registration Branch and Division. In fact the Department has already implemented fee cuts in the fiscal year 2005, this fiscal year, which also covers all fees that the Document Registration Branch collects. They've asked us to give them a chance to assess the impacts of the current fee cuts so their essential services to the business community are not negatively affected.

"They've just cut the fees, Mr. Speaker. Why don't we see what happens. You know, we're suppose to take our cue from the Department of Commerce and Consumer Affairs and again they've been busy cutting fees and working to help the business community, and we should get out of their way and just let them continue to do what they've proven so good at, and that's running a better, more streamline and efficient department. Thank you, Mr. Speaker."

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

"Thank you, Speaker. I'd like to make additional comments. I'm going to actually go no on this, but I'd like to explain why.

"I was thankful to hear that this is actually a codification by the Chair of CPC and so I do understand where he is coming from. But I do however, think that the Director of DCCA, what he wants is a little bit of flexibility and I think he's earned it. I think that where he's getting at, is he's saying on my own, we have decided to try and reduce fees. And what we're looking for instead of codifying it, let's try and give him a little bit of flexibility, not to go over the amount that was charged in the past but just have that flexibility from the amounts that were lowered to what was set in statute. So, at this point in time, because he's earned this trust with his consumers, as well as earned his trust with the people he's worked with at this Legislature I would like to give him the flexibility because he is very cognizant of how to be self-sufficient within the DCCA.

"And in regards to being pro-business, as a small business or businesses in general, that for me I seem to think that it is pro-business to give that flexibility. For instance if I were running a business and if something had come up, but I had absolutely no flexibility to be self-sufficient, you know, that would cause a problem. And so I'm just saying that if we give him a little bit of flexibility that will allow him to be able to manage Department of Consumer and Commerce Affairs that it just allows him that flexibility and give him some of the trust that he has earned. Thank you."

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

"Thank you, Vice Speaker. I stand in opposition to this measure. While I really do applaud the purpose, the new purpose, of the bill which is to reduce the cost in doing business, I think that one of the cardinal rules that I've been told by business people is that when you do have someone doing a good job, don't micro-manage them. And so my concern is that this restricts flexibility and it also micro-manages a fine director, we've all agreed."

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

"In support, and I must say I am a little stunned because for eight years on the floor of this House, all I heard was all of DCCA funding should all come out of the general fund, all the fees should go in to the general fund because we needed complete transparency and complete control over DCCA by this Body. So I'm a little stunned by the complete reversal by the Minority."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS FEES," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Finnegan, Fox, Halford, Meyer and Thielen voting no, and with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 916) recommending that H.B. No. 146, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 146, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 917) recommending that H.B. No. 248, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 248, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB248, HD 1, relating to long-term care.

"By the year 2020 more than a quarter of the population will be over 60. The aging of the baby boom generation is going to put unprecedented strains on society's ability to provide care for our kupuna.

"The one aspect of the coming crisis in long-term care that has not gotten enough attention is the role family members play. Family members provide the vast majority of long-term care. Estimates place the value of care services provided by family members at \$196 billion annually. This is in comparison to \$32 billion provided in formal home care services and \$83 billion at nursing homes.

"Family caregivers provide over 80% of home care services and over 90% of all long-term care services. Women provide the vast majority of these services, over 75%.

"We need to start looking at ways to reimburse caregivers for their many hours of dedicated service to their loved ones. Economists often talk about "opportunity costs," that is, what you could be doing if you were not doing what you are doing. The opportunity costs of providing long-term care are often very high. In some cases a care provider might have to quit a paying job to assist her/his loved one. This can lead to severe financial hardship in addition to the psychological burdens of caring for a loved one.

"Alternatively, a provider might have to go from full-time to part-time to providing long-term care. This too can cause financial hardship.

"Or a long-term care provider might have to spend every non-working waking hour caring for her/his family member. She/he might wish to quit a job to provide full-time care, but simply be unable to afford it hoping instead that somehow the situation will improve.

"Opportunity costs are, of course, not just financial. Caring for a loved one often means the sacrifice of the caregivers own social life. This often leads to isolation and terrible feelings of guilt. We all want to do what is best for our families, but when our perfectly normal wish for friends and social interaction conflicts with our duties to our loved ones we feel guilty when we want to go to the beach for the afternoon and cannot because of the needs of the family member at home.

"Combined with the worsening shortage of professional care providers and nursing home and formal home care facilities, the burdens placed on family care providers need to be lessened if the entire care system is to avoid collapse. We need to make it possible for family members to stay at home instead of going to formal home care facilities or nursing homes if for no other reason than that there will be not enough out-of-home care facilities to accommodate the need. Most of our kupuna would prefer to stay at home, but to make that possible for as many as possible we need to support family caregivers more effectively.

"HB248 would set up a demonstration project in Kauai County that would reimburse family caregivers for their services and for expenses incurred in providing care to a family member. The maximum allowable for any given year would be \$1000.

"Only family caregivers who were providing care for free and who were providing care on an ongoing day-to-day basis would be eligible for reimbursement. Furthermore, the person receiving the care would have to be functionally dependent, that is, in need of assistance with three or more activities of daily living or have cognitive impairments.

"Reimbursement could be made for general expenses of providing at-home care, but not to offset the expense of employing a professional caregiver. In addition, expenses incurred in modifying a dwelling to accommodate the needs of the person for whom care is necessary such as the purchase of assistive devices like grab bars and wheelchair ramps would also be reimbursable.

"To be eligible for reimbursement, the person receiving care could not be eligible for Medicaid. If the income of the household were greater than 200% of the federal poverty level for Hawaii, only partial reimbursement of certain specified expenses would be allowed.

"The lessons learned from a demonstration project like the one called for in HB248 will be very valuable in assessing the feasibility of adopting a reimbursement program statewide. Long-term care is a problem that is going to be more pressing as time goes on. HB248 is an important start and I hope my colleagues will support this measure. Mahalo."

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

"Thank you, Mr. Speaker. I'm standing in support with strong reservations. The purpose of this bill is to establish a pilot program on the island of Kauai where family caregivers who give free and continuing day-to-day care in the home to a qualified relative, will be reimbursed by the Department of

Health for up to \$1,000 per year. This program will run for four years from July of '05 to June 30th of '09.

"In Committee hearings, the Tax Department was against it. My concern is that if this pilot program were going to set a precedent. What we should be encouraging people to do is to get long-term care insurance. The private sector provides it. There are different levels of it. But by doing this pilot program we are setting the precedent that government will take care of this problem and this has always been something that is handled in the private sector with insurance.

"The Tax Director estimated that the loss of revenue for this pilot program would be approximately \$2.5 million per year. Kauai has the smallest population of all the counties so this would be magnified greatly if this catches on for all of the other counties, and there would be no reason to think it wouldn't. In the Department of Health's testimony, they pointed out that with the potential increase in the number of elderly, the cost of reimbursement for family caregivers who meet the eligibility requirements and the possible cost incurred for home modification will place a tremendous burden on the State's resources. For those reasons, I'm voting with reservations. Thank you."

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

"Thank you, Mr. Speaker. I am speaking in strong support of this measure. And as the previous speaker said, we do have another bill which encourages the purchase of long-term care insurance. However, this is sort of the supply side where we need people who are willing to care for the elderly and the disabled.

"The fact of the matter is, in Hawaii we have one of the lowest, actually highest ratio of people to nursing home beds in the whole country. If you add to that the fastest growing population of the older old, those who are 80 plus, if you combine those factors, you know we have a real great need. To expect families, as it is in our culture and our heritage, to always care for their family members without regards to income or reimbursement, I think we're just fooling ourselves because we are going to reach a critical point if we haven't already. Then there won't be anybody to care for the elderly especially when my generation gets to that age, as well as the previous speaker. So I think she should be very concerned. Having long-term care insurance without any caregivers doesn't help you at all.

"So we need to find ways to encourage especially family members to care for the elderly and disabled as much as possible in the least restricted environment, which is what I think family members prefer. I think most of them prefer to stay at home for as long as possible if family members or other caregivers can provide that care in home. That's the preference and this is what this is leading to. So, I hope that people will see this and I'm sure that it's going to demonstrate the need for such an approach. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support of this. Actually I have, I can't remember if it's a resolution or a bill to ask for this reimbursement. Because what happens is families are tied down. In my case, the person that has asked for this, she is an elderly person herself who is taking care of an aunt in her home. And she is unable to work and therefore she's given no compensation at all for this. She can put her aunt into a nursing home. Then the burden would fall on the people and it

would cost a lot more than giving her a \$1,000 a month. So, I think the obligation of government is to help people.

"We realize and we hear a lot of talk here about business, and how we got to help business, and I realize that business does support our programs for helping people. But where people are concerned, we have to put them first. I would say that this pilot program in Kauai will give us some measure as to what it will actually cost because the Department of Health couldn't tell us what the actual cost would be if we gave this to everybody. So, I urge my colleagues to support this program. Thank you."

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise with reservations on H.B. 248, H.D. 1 relating to Long-Term Care. As a steward of the government, I want to make sure that Hawaii's government does not overextend itself, thereby rendering itself ineffective for the good of the greater population. H.B. 248 establishes a precedent by essentially creating another category of healthcare that government will be responsible for. We will be reimbursing those who would ordinarily provide home care for their relatives. Government must encourage and empower citizens in a way that maximizes an individual's opportunity, enterprise, and creativity. If we involve government in every aspect of life, we rob people of this opportunity.

"Government cannot provide everything for all people, nor should it try to when people have managed to craft solutions to problems on their own. We cannot possibly afford to take on the responsibility of long-term care as a government. My hope is to find a successful way to provide incentives for the people of Hawaii to be personally responsible. This may seem harsh, especially since this bill pertains to a pilot program. However, I see this project as the potential beginning of another colossal government program. Hawaii can be a challenging place to live as it is. The astronomical costs of long-term care, if taken on by government, would even further exacerbate the burden on Hawaii's people and their financial resources. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 918) recommending that H.B. No. 537, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 537, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Arakaki's written remarks are as follows:

"In the last five years child abuse in Hawaii has escalated, with the numbers of both reported and confirmed cases increasing by 31% from 1999 to 2003. At the same time, child abuse has emerged as an area of expertise in medicine; few clinicians have the training, knowledge and resources needed to perform these medical-legal evaluations with the requisite

skills. Furthermore, few clinicians have the experience necessary to be qualified as an expert in the court system.

"The Kapi'olani CARE Program was begun with private and time-limited funding to respond to the gap in the health services for abused children and to foster the development of medical expertise in the field of child abuse and neglect. CARE provides the sole source of medical expertise in the field of physical abuse on Oahu, and it is the only medical program available to assist CWS in accurate investigations and lessens the risk of erroneous accusations. CARE provides over 700 examinations a year to children entering the Child Welfare Services system. In addition, CARE clinicians train physicians, nurses, social workers, police and attorneys in the medial aspects of child abuse and neglect.

"Funding for CARE has relied on private donations which will end in July 2005. State funding is needed to continue its services. The Department of Human Services has been working to establish sustainable sources of funding for forensic medical services, primarily through Medicaid reimbursement. Forensic medical services similar to CARE are present in the majority of states, and in no other state has Medicaid reimbursement been adequate to cover the costs of the forensic services. We anticipate that improved Medicaid reimbursement may cover 30% of the costs. The passage of SB27 will allow the continuation of these services.

"The loss of CARE services would result in the loss of much needed expertise in our community and would lessen the accuracy of CWS investigations. Children and families who are involved in the CWS system deserve the most accurate investigations our community can provide. I urge all of you to support HB537 on Third Reading."

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise in support of H.B. 537, H.D. 2, making an appropriation for the Kapiolani Child At-Risk Evaluation Program. The forensic work that will happen as a result of this bill will be helpful in obtaining evidence establishing or denying abuse. This legislation will help keep abused children away from abusers and also help clear innocent individuals of allegations of abuse. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 537, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAPIOLANI CHILD AT-RISK EVALUATION PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 919) recommending that H.B. No. 684, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 684, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH EMERGENCY AMBULANCE SERVICE CONTRACTS COLLECTIVE BARGAINING COSTS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 920) recommending that H.B. No. 802, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 802, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"In support with reservations. Mr. Speaker, the problem with this bill is that it offers a 100% credit to open up these individual development accounts, IDAs. And a 100% tax credit means that all the money is going to be provided by the State. These may be worthy people who set up these accounts. They are going to be low income to begin with. We're trying to encourage them to save. But, it's quite another thing to ask them to save State money as opposed to, you know, some sort of matching, 50-50 would be more appropriate. Thank you."

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

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

"In support. Brief comment on this, Mr. Speaker. IDAs are vital tools in assisting the low-income population with saving toward the goal of homeownership, higher education costs and start-up costs for a small business.

"IDAs provide matching funds, from private donors, when a low-income family saves money, and this bill simply hopes to extend the tax credit that was passed five years ago, and increase the incentives for donors. Mr. Speaker, we as a Body have agreed to make housing a top priority, and this bill furthers that goal."

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

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

"Thank you, Mr. Speaker. I am rising in support with reservations. It's important to acknowledge that we passed a bill on January 1, 2000. It came into effect at that time and to this date, nobody has used the 50% tax credit that was established. This bill at a 100% tax credit for every dollar of matching contribution, made by the taxpayer, the taxpayer gets \$1 dollar back from the box of tax credits. Therefore if one adds up the numbers with the way that the bill is currently written, why not just ignore the taxpayer altogether and have the government write a \$1 million directly to the IDAs. The \$1 million is the aggregate cap. They will pay up to \$1 million. I think that we can support people in the lower income brackets better by increasing the standard deduction, removing the taxes on food and medical expenses instead of this if that's what we want to do."

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

"Thank you, Mr. Speaker, in support with reservations. I would like the words of the previous speaker entered as if my own, and the words of the Representative from Waikiki. And again, I don't think that any of us are opposed to this idea of the

IDAs. I can't speak for everybody, but I don't believe that anybody is opposed to that. We do want to help the most needy, but we're giving them a 100%. I don't understand how that system is going to work. Especially, since no one has taken advantage of it in the past few years. Thank you."

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. 802, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDIT," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

At 1:26 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1302, HD 1; 146, HD 1; 248, HD 1; 537, HD 2; 684, HD 1; and 802, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 921) recommending that H.B. No. 1530, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1530, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 922) recommending that H.B. No. 1217, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1217, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this bill and I request to have my comments inserted. Thank you," and the Chair "so ordered."

Representative Berg's written remarks are as follows:

"I support HB 1217 with reservations. This is an important measure that attempts to find a solution to the affordable housing crisis that plagues the islands. In a matter of two years, the percentage of people that were homeless in Hawai'i jumped several percentage points. Furthermore this does not include the number of "hidden homeless," which are those who are living with others because they cannot afford to live on their own. Last year, there were 15,000 people on the waiting list for section 8. Obviously, this is a monumental problem.

"HB 1217 tries to solve the affordable housing problem by granting the State and counties exemptions from existing development rules under the justification that it would be more cost effective and efficient for prospective developers. However, I have major reservations about this measure because these standards were institutionalized to prevent developers from cutting too many corners at the expense of the homeowner who has every reason to expect a basic level of safety, security

and comfort and at the risk of making decisions about land use that can jeopardize the future sustainability of the land."

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

"Yes, I just stand with reservations, please. I'll be speaking on very similar topics a little later. I'm just very concerned that we have not decided to take the Governor's idea of mixing the incomes with the people who lived near the lower income housing areas. I'm just very concerned that we are going to start creating the ghettos of the future in Hawaii. I think that it's very important that we mix it with lower income, as well as high income so that people don't feel that they have a title attached to them; that they are all low-income people. I think that it's very important that we continue the discussion and that's why I'm voting yes with reservations. Thank you."

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

"Thank you, in support with reservations. I have the same concerns as the previous speaker. Where I live, there are many housing projects that have come up and they are a mix of houses. There's affordable, and there's some that are market rates and if you don't have that mix, you don't have any incentive for the developer to build. Why should he build houses that are below the cost it cost them to build? You're going to have to build something that at least allows him to make some profit. Otherwise how can he pay the impact fees to build the roads that we access them and to pay the taxes, etc. So we have to have the mix. We don't want stigmatize an entire community by saying, 'Those are the low rent guys.' Thank you."

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

"In favor and support. I'd just like to observe that the price of housing, real estate in Hawaii today, as we know is extremely high. And across the board, from the lowest houses of the relatively low value are selling for a lot, and then the price keeps going up from there. And the reason for that is, we have a shortage of supply problem.

"We have a shortage of housing really in all levels of building. In order to generally solve our inventory problem we simply need more inventory, across the board. Perhaps we would be able to get the most number of low-income housing that could be afforded by people making less than the median income. That perhaps we could get the most number of those if we are attentive to make sure that we have supply of housing in general, to bring real estate prices in general, and then allow the profitability that can afford to build the lower income housing. Thank you."

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

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

"Thank you, Mr. Speaker. In strong support. The Affordable Housing Task Force and also your Committee on Housing found that one of the major barriers to developing affordable housing is the approval process. What this bill does, is it serves as a catalyst for development and it delivers moderate income, affordable housing, in a timely manner.

"You've heard much from the other side of the aisle about the Governor's proposal. When I read her proposal, I don't see anything comparable to it. The only thing that's close to it is it would waive the LUC approval process for 50 acres or less. But that would not guarantee that it would be affordable housing. It could be any kind of housing as long as its 50 acres or less. This bill relegates it to a 140% of the median income, which is moderate to a little upper income housing but it does put that restriction on it. I urge my colleagues to support it. Thank you."

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

"Thank you, Mr. Speaker. I'm speaking in opposition. I would say that in order for developers to provide low income housing, what they have to do is they have to make the project 'pencil out.' So that means being able to look at higher priced housing, and lower income housing, and affordable housing, and being able to look at a broad picture and I think that's why the Governor's proposal was in that way in streamlining for all housing because you're going to need that balance. If you don't allow the developers to mix these different types of homes, from expensive to inexpensive, then you won't be able to afford it. Developers won't be able to afford providing the low income. So I hope we take that into consideration. Thank you."

Representative Berg rose to clarify, stating:

"Thank you, Mr. Speaker. I just wanted to say that actually my support is with reservations, but relative to the use of land and the statement here that the housing developments would be exempt from State and county regulations. I think that it's very noble and I commend the Committee for looking at total affordable housing, but I would like us to be cautious about the use of land. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. I just want to bring to the attention to this Body, that in Committee, the opponents were HCDCH, the County of Hawaii, Office of Housing and Community Development, the City and County of Honolulu Community Services, City and County of Honolulu Planning and Permitting, and Grace Furukawa.

"I think that the real concern about this bill is that it's not going to attract developers, people with land, and with the wherewithal to build housing. And that's what we're about. What we're trying to do is create a situation where we have more affordable housing. And I don't think this is the way to do it. 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. 1217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 49 ayes to 2 noes, with Representative Finnegan and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 923) recommending that H.B. No. 1731, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1731, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, brief comments in support on Standing Committee Report No. 923. The three elements in housing are land, material and labor cost. Unless we can address the land cost, we begin with unaffordability to begin with. This bill would propose that we use certain public lands for that purpose with some conditions. This truly would help enable housing affordability. Thank you."

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

"Thank you, Mr. Speaker. I ask to rise in support with reservations. And once again, the concern the Department of Land and Natural Resources is being asked to identify certain public lands, and at the moment we know that there is a need to reassess their efforts to conserve and protect our lands, and so I caution us once again against being too ambitious and to rush into this kind of thing. But I support the concept of affordable housing. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1731, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 924) recommending that H.B. No. 931, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 931, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker I rise in strong support of HB 931, HD2. This bill proposes a very innovative program to address one of the most pertinent issues facing our island state: affordable housing. Affordable housing has become a very scarce commodity. The workforce housing called for in this bill will be available for people who live and work in the Koolauloa Moku area as well as others who qualify.

"The lease agreement and pricing formula have been established to make sure that the development is sustainable and affordable.

"Thirty-percent of the project will be affordable, fifty-percent will be priced at 80% of market-value and the balance of units sold at market price. The land will be conveyed by way of a long-term lease. The thing that is so unique about this project is a provision that limits the appreciation, for the affordable homeowners, to their actual cost of improvements to the property and a pre-agreed upon appreciation formula. This feature will ensure that the project's thirty-percent affordable homes will remain in the pool of affordable homes. Leasing the land rather than selling it in fee simple will also hold down the price for all the other units in the project.

"HB 931, HD2 is a proposal that could be a model for developments throughout the State. This is a very important bill for creating much-needed affordable housing. And I'm proud to say that the developers of this model are constituents of mine."

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

"Thank you, Mr. Speaker. I'm rising to speak against 924, H.B. 931. Thank you. Mr. Speaker, I think what everyone must be clear about is that this exempts certain projects from the Land Reform Act. And I don't think that's good public policy to take. So if new Members aren't aware of what is going on with this, I would ask that they do discuss it with some of the more seasoned Members that have a history going back at least closer to when the Land Reform Act was enacted. Then, subsequent to that, the United States Supreme Court upheld the Land Reform Act.

"What this does is takes a major step backward and says that a certain project or certain projects are exempt from the Land Reform Act. Once we start carving out those holes, pretty soon the Land Reform Act is history. And all of the lessees who wanted to obtain their fee interest won't be able to do that. Thank you."

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

"On 924, in strong support. First of all, Mr. Speaker and Members, this would provide an exemption, as the Representative from Kailua indicated, from Chapter 516, the mandatory conversion leasehold to fee conversion which in itself was a total inappropriate thing to have done out of respect for the rights of property ownership. To do that years ago, it was just a terrible thing to do.

"Now in this matter, we're enabling affordable housing which otherwise would not occur because BYU does not intend to sell their land. So if this does not come about, chances are that this affordable housing, much needed affordable housing project will not occur. They're doing it, and providing for 30%. So 30% of the units offered must meet affordable criteria as governed by the county, and 50% of the units have to be at 80% of the appraised value or less. So it is good for the citizens especially in that area of the island, and would address the affordable housing problem in that area. 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. 931, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 925) recommending that H.B. No. 955, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 955, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 926) recommending that H.B. No. 483, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 483, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 927) recommending that H.B. No. 1641, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," passed Third Reading by a vote of 51 ayes.

At 1:39 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1530, HD 1; 1217, HD 1; 1731, HD 2; 931, HD 2; 955, HD 1; 483, HD 1; and 1641, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 928) recommending that H.B. No. 408, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 408, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Meyer and Moses voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 929) recommending that H.B. No. 416, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 416, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 930) recommending that H.B. No. 863, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 863, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to Stand. Com. Rep. No. 930. Mr. Speaker, I rise in opposition because this bill uses funds from Environmental Response Revolving Fund to establish a petroleum industry monitoring analysis and reporting system. The bill also requires the petroleum industry to submit various operating and overhead cost information to the Department of Business and Economic Development.

"As written, this bill will divert money from the Environmental Response Fund, thereby creating a danger that there will be insufficient funds to support an emergency response should a large chemical or petroleum spill occur. It also imposes another costly compliance requirement on an industry that is already saddled with a multitude of restrictions and mandates including divorcement, ethanol blending requirements and gas price cap requirements.

"This bill duplicates many of the activities that the Executive budget for fiscal year '05-'07 has already proposed an appropriated funding for. It requires the industry to submit

unnecessary information given that the PUC is currently in the process of gathering and analyzing data from the industry in order to determine how to implement the gas price cap.

"Much of the information this bill requires from the industry may ultimately prove superfluous according to the PUC findings. This bill also jeopardizes confidential and proprietary information of petroleum industry organizations, as these organizations are required to submit important additional operating cost information. Yet, the bill does not implement measures to increase protection of this sensitive information. I believe that HB 863 prematurely imposes costly reporting requirements on the petroleum industry and diverts money away from an important Environmental Response Fund. For these reasons, I'm in opposition. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition. First, I'd like to have the words of the previous speaker entered as if they were my own.

"And another aspect of this measure is that the bill proposes to deposit 0.0025 cents for every gallon of liquid fuel tax in the new Petroleum Industry Monitoring Analysis Reporting Special Fund. The State tax on liquid fuel is the major revenue source for the Highway Special Fund. This bill will reduce the amount of liquid fuel tax revenue deposited in the Highway Special Fund of approximately \$1.2 million a year.

"Mr. Speaker, with \$1.2 million we need to fix the potholes on our roads. The reduction in revenue deposited in the Highway Special Fund will negatively impact upon the Department of Transportation's ability to operate and maintain the State highway system. HB 605 is a better means to achieve the goals outlined in HB 863. I urge the Committees to look at HB 605. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 863, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Meyer and Moses voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 931) recommending that H.B. No. 1535, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1535, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising in support with some rather serious reservations. Thank you. Mr. Speaker, Hawaiian Electric, Maui Electric, and the Big Island Electric Company are asking for a SPRB. Their purpose is to, I guess help fund some projects. I asked the Hawaiian Electric testifier to please present a list of the projects, hoping that at least one or more of them, that they're going to fund with the SPRB, would be related to renewable energy. Back came the list. Total projects of \$300 million. The SPRB requests \$160 million. Money for renewables, zip. Absolutely zero. No renewable energy projects are going to be funded with this SPRB.

"I also received an email that possibly others received here because I noticed that it was sent to all Representatives. It was

updated Friday, March 4th. 'Oil prices surged to a record \$53 in U.S. prices. The price of Bent North Sea Crude Oil has rocketed to a new record high of \$53 U.S. per barrel, in the United Kingdom and crude futures approached record levels in New York above \$55 on strong speculative fund buying, traders and analysts said.' And yet we all know that the cost of fuel oil is going to continue to skyrocket, and yet we have a utility, a monopoly utility, Mr. Vice Speaker, that controls our islands, except for Kauai which fortunately is on their own, but controls the utilities on this island, on Maui, and on the Big Island and on Molokai. It's a monopoly utility that has its feet stuck in fossil fuel and it refuses to move. So when they come in to us for a SPRB I guess we shouldn't be surprised to see it dripping with fossil fuel. No renewables, zero renewables, and this utility is fighting us moving toward renewable energy resources in our State.

"I've reluctantly voted for the bill because it may have some minor cost savings to consumers. But those are going to be offset by the higher prices of fossil fuel and then the utility gets to pass that on right away to the consumers. So it's taking a tiny step forward, with a huge leap backward, Mr. Speaker, until we force that monopoly utility to actively pursue renewable energy resources.

"We have them in Hawaii. We're blessed with more than any other place in the world. But we evidently have a board of directors on Hawaiian Electric that just has not gotten the word. And so we've got a monopoly that just is saying that we aren't going to change. We are going to stick with fossil fuel and we got the price of oil escalating, escalating, escalating, so the consumer pays, and pays and pays. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1535, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 932) recommending that H.B. No. 10, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 10, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 933) recommending that H.B. No. 925, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 925, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support, with a really big reservation. This bill is going to be vetoed. It's going to be vetoed because it's about Pearl Harbor, but the title says Honolulu Harbor and that's the kind of flaw that the AG says 'Hey, you can't sign the bill.' Thanks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 925, HD 2, entitled: "A BILL FOR AN ACT MAKING AN

APPROPRIATION TO STUDY THE FEASIBILITY OF BUILDING A MOTOR VEHICLE AND RAILWAY TUNNEL UNDER HONOLULU HARBOR," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 934) recommending that H.B. No. 1239, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1239, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.B. 1239-Relating to Highway Design.

"Alternative design standards will help preserve the unique cultural traditions of communities throughout Hawaii.

"On Maui, the Hana Belt Road and on Kauai, the North Shore section of the Kauai Belt Road (Hanalei to Ke'e Beach) are listed on the National Register of Historic Places.

"And on Oahu, the Ka Iwi Coastal Highway could also benefit from flexible design standards.

"In summary, citizens throughout Hawaii have been working for the protection of scenic and historic roads and bridges.

"This legislation will require the State DOT to develop appropriate design guidelines which will resolve DOT's liability concerns and work to preserve the historic, scenic and rural qualities that make the Hana Belt Road, Kauai Belt Road and the Ka Iwi Coastal Highway on Oahu one of the most spectacular drives in the world."

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

"Thank you, Mr. Speaker. Once again, a well-intentioned measure. It asks for flexibility in highway design. Great. I'm sure that the Department of Transportation does that now. I'm speaking with reservations. What this bill does is, if you look at it and figure it out when this bill would pass this Body, and go upstairs, and then become an Act, it will give the Department of Transportation a period of about four months. I know this has a defective date, but still the body of the bill is not affected by the effective date if it goes into effect, if you understand what I mean. So the body of the bill needs to be amended

"It says, before November 1, 2005, the Director of Transportation shall establish new design guidelines to govern new construction, reconstruction, resurfacing, restoration, or rehabilitation of bridges, principle and minor arterial roads, collector and local roads and streets. That's a big job. In planning and developing a given highway project, the guidelines shall require the weighing of financial, political, social, and economic policy considerations such as the following: Safety, durability, and economy of maintenance; the constructed and natural environment of the area; the potential effects on the local and State economies; the community development plans as reflected in relevant county ordinances; the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; access to other modes of transportation; access to and integration of sites



deemed culturally and historically significant to the communities affected; and sound and accepted engineering practices.

"Wow. That calls for a full EIS, and we're going to do that in 4 months. I don't think so, Mr. Speaker. Thank you

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

"Thank you, Mr. Speaker. Just one reservation. It looks like the Department of Transportation had some issues in regards to liability and I just wanted to see if we could keep that in mind and maybe address it later."

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

"Thank you, Mr. Speaker, in support of this measure. Just want to point out that the reason why this issue is before this Body is because the Department of Transportation has not used its ability to seek flexibility in highways design. Coming from the Neighbor Islands and representing a rural area, we do not want our roads to meet H-1 type of standards. We want roads suitable to the character of the areas that we live in.

"This bill is strongly supported by many Neighbor Island communities because again, we want roads built to rural standards that are safe rather than urban standards, which the Department of Transportation is proposing. So, it's a very important measure to keep the rural character to keep the scenic, historic aesthetics of these areas, which really are the heart and soul of Hawaii. So, I ask for the support of our Members. 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. 1239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY DESIGN," passed Third Reading by a vote of 51 ayes.

At 1:53 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 408, HD 2; 416, HD 2; 863, HD 2; 1535, HD 2; 10, HD 2; 925, HD 2; and 1239, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 935) recommending that H.B. No. 1324, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1324, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise with reservations on H.B. 1324, H.D. 2, Relating to Highway Safety. Although I too want to be vigilant about safety, I am concerned that there is a component of this bill's schema that allows for human discretion. Sensors and cameras are impartial. However, these devices do not accommodate certain situations like someone being in the middle of an intersection after running a yellow light and passing through the intersection after the light has turned red. I am glad that we are pursuing strategies to make our roads safer, but we must be sure that we create a viable and workable scheme to accomplish that end. Although I am

concerned with the implementation of this system and the acceptance of such a system, for now, I will vote yes with the intent of improving safe intersections around our State. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1324, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Moses, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 936) recommending that H.B. No. 969, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 969, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 937) recommending that H.B. No. 1078, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1078, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 938) recommending that H.B. No. 1295, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1295, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Chong's written remarks are as follows:

"Mr. Speaker and Members of the House, I rise to speak in support of HB 1295 HD2, Relating to Schools (King Intermediate: Asbestos). The purpose of this bill is to safeguard the health of students, faculty and visitors to all Department of Education schools by minimizing the risk of asbestos exposure.

"As you know, last year, King Intermediate had a very unfortunate situation that affected students, parents and staff. This bill requires that all asbestos testing be conducted prior to any exterior or interior renovation and painting of school facilities, except charter schools. The measure also requires that the DOE maintain records of all students who may have been exposed to asbestos during an exterior renovation project at King Intermediate in December 2004.

"I believe that this bill will help address some of the issues faced by the community and ensure that other schools and communities do not have to face this issue as we did."

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I support this measure. With recent events at King Intermediate in Kaneohe, this bill is imperative to protect our children from the dangers of asbestos and lead paint. Due to the deteriorating conditions of our older schools, this bill will protect our children from any type of exposure to lead paint or asbestos during renovation or construction projects.

"Mr. Speaker, it is important for the Legislature to take an active role to ensure that our schools are tested for asbestos, lead paint, and other dangerous conditions, prior to any renovations at school facilities. Furthermore, to protect the children already exposed at King Intermediate, this bill requires the Department of Education to keep a record of them. Thank you."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker I'm rising in strong support of HB 1295, HD2. This bill was introduced to safeguard public school students and faculty from any further accidental exposure to asbestos. Last December, the Samuel Wilder King Intermediate School in Kaneohe was closed for two weeks after tests showed that the walls being sanded for painting, both interior and exterior, were surfaced with a product that contained asbestos. There was much anxiety amongst parents, teachers, and students in regards to their exposure to the asbestos-laden dust. It also generated a lot of media attention.

"I support an environmental assessment before exterior or interior painting is done. I would rather have the responsibilities of health records maintenance and environmental assessment under the purview of DAGS or Department of Health instead of the Department of Education. Otherwise I believe that this bill takes a major step towards eliminating the possibility of any accidental exposures to asbestos at our public schools."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1295, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 939) recommending that H.B. No. 1300, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1300, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Arakaki's written remarks are as follows:

"Knowing that we need a highly educated workforce does not tell us where to invest limited public resources. Policymakers must identify the educational investments that yield the highest public returns. Here the literature is clear: Dollars invested in Early Childhood Development (ECD) yield extraordinary public returns.

"The quality of life for a child and the contributions the child makes to society as an adult can be traced back to the first few years of life. From birth until about 5 years old a child undergoes tremendous growth and change. If this period of life includes support for growth in cognition, language, motor skills, adaptive skills and social – emotional functioning, the

child is more likely to succeed in school and later contribute to society.

"However, without support during these early years, a child is more likely to drop out of school, receive welfare benefits and commit crime.

"One often-cited research project is the High/Scope study of the Perry Preschool in Ypsilanti, Mich., which demonstrates that the returns available to an investment in high-quality ECPD are significant. Beginning in 1962, researchers tracked the performance of children from low-income black families who completed the Perry School program and compared the results to a control group of children who did not participate.

"The results of the research were significant. During elementary and secondary school, Perry School participants were less likely to be placed in a special education program and had significant higher average achievement score at age 14 than nonparticipants. Over 65 percent of the program participants graduated from regular high school compared with 45 percent of nonparticipants. At age 27, four times as many program participants as nonparticipants earned \$2,000 or more a month. And only one-fifth as many program participants as nonparticipants were arrested five or more times by age 27.

"The High/Scope study conducted benefit-cost analysis by converting the benefits and cost found in the study into monetary values in constant 1992 dollars. The researchers found that for every dollar invested in the program during 1962, over \$8 in benefits were returned to the program participants and society as a whole. We estimate the real internal rate of return for the Perry School program at 16 percent.

"The returns to early childhood development programs are especially high when placed next to other spending by governments made in the name of economic development. Yet ECD is rarely considered as an economic development measure. We think this is a big mistake.

"A comprehensive approach to developing Early Childhood Education and Universal Access for all three and four year olds as a policy is a wise investment that will result in major dividends to the State of Hawaii and the future of Hawaii's *keikis*. I urge your support on Third Reading for HB1300."

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

Representative Ching's written remarks are as follows:

"I rise in support of Early Childhood Education which enables our children to enter kindergarten with the tools and experience for "ready to learn" postulation. In order to do this, they need to develop skills in certain key areas for example, language and literacy skill, thinking skills, self-control, and self-confidence. From birth, children learn by interacting with their environment and the people in it, family members and others.

"The Governor's Early Childhood Education Initiative introduced through the State of the State Address states, "Study after study has shown that early childhood education is a key to success later in life. State, federal and private funding for childcare and pre-school programs in Hawai'i totals nearly \$100 million a year, and yet many working families forego quality childcare because they simply can't afford it". Allowing families the opportunity to experience quality childcare that will nurture and explore education at an early age will establish a foundation necessary for the development of our children."

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I stand in strong support for this bill.

"The headline on March 3rd's *Honolulu Advertiser* said "State to Take Over 24 Lagging Schools." The schools involved have not complied with the provisions of the "No Child Left Behind" Act. Much of the compliance has to do with the test scores that measure student achievement.

"I truly believe that we need to improve early childhood education in Hawaii in order to improve student achievement and our schools in general.

"A longitudinal study of at risk children in Michigan found that those who participated in early childhood programs were more likely to have graduated from high school, have higher incomes, hold a job, and committed fewer crimes. Overall, the conclusion was that for every tax dollar invested in early childhood care and education, the return to society was more than \$17.

"Years ago, the Legislature appropriated additional funds to schools designated as "Special Needs Schools." We have not seen these funds make a significant change in the achievement of these schools. In recent years, studies are showing that investments in early childhood education programs pay better dividends. If we are to spend tax dollars for early childhood education, we need a comprehensive assessment of existing programs and standards for improving them. The task force designated in the bill will assure that this can be accomplished in a systematic fashion.

"I ask for my colleagues' support on this measure that will assist our pre-school children and pay great dividends in the future. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1300, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 940) recommending that H.B. No. 759, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 941) recommending that H.B. No. 858, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 858, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in opposition. The purpose of this bill is to push the Tax Department along on reviewing cases where it is trying to determine whether or not to grant a tax exemption. If they don't act within 180 days then the appeal is automatically granted and is assumed the Tax Department is denying it and the appeal goes ahead.

"Mr. Speaker, we're doing the right thing in relation to the Tax Department now. We're giving it resources to enable it to collect, to go after delinquent taxpayers and bring in more revenue to the State. We have recognized that hiring people in the Tax Department to do this kind of work results in more income to the State, far more than what it costs to pay these people. The Tax Department testified that they deal with these issues as quickly as they can, but if we pass this bill we're going to force the diversion of manpower away from, I guess you'd say human power now. We're going to force a diversion of human power away from the main task at hand to deal with something that is really quite a small problem. So, I would suggest that we vote this down. 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. 858, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX REFUNDS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representative Finnegan and Fox voting no.

At 1:57 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1324, HD 2; 969, HD 1; 1078, HD 1; 1295, HD 2; 1300, HD 2; 759, HD 1; and 858, HD 2; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 942) recommending that H.B. No. 1393, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1393, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 943) recommending that H.B. No. 1737, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1737, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIFORM LAWS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 944) recommending that H.B. No. 755, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 755, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 945) recommending that H.B. No. 1214, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1214, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to HB 1214, HD 2. Earlier I had mentioned that a bill that I had voted against referred to the Little Davis-Bacon Act, and actually this is the bill I was referring to. I think this goes far afield from the federal Davis-Bacon Act. We've been sort of conforming to it, but this is a big departure in that it will now cover certain contracts between private parties.

"And also it changes the definition of public works to include groups that are getting a State tax credit or using some private lands. I think it already covers, the current law covers SPRBs, or tax-free bonds. But this is quite an interesting bill in that, I think it covers just simply housing contracts. But it says, those performed by the State, according to State or county plans, specifications or criteria. And it seems to me that almost anything that is constructed is according to a State or county plan and certain specifications and criteria. I don't think that you could get a building permit without following certain criteria. Also, it concerns every project over \$2,000. It seems to me it's a very low threshold to be covered by this law, the prevailing wage law.

"I think it deals simply with housing projects and I think the earlier speaker had mentioned the Outrigger Hotels. But I think it will cover many apartments and condominiums, residential subdivisions and townhouses that are on State land or receive a tax credit of one sort or another. So, it's hard to say how widespread this will be; what the impact will be. But what is particularly onerous is that there has to be a government agency that oversees these projects and they are supposed to be monitoring and collecting weekly certified payrolls under the Little Davis-Bacon to ensure compliance with the law. So, if they're getting a State tax credit maybe we could assume that the Department of Taxation would be the agency that would go on site and be looking for violations or collecting the weekly payrolls. But, the Department of Taxation is really not geared up to do this type of work. I mean they simply don't have enough staff unless you're planning to give them more staff.

"Another feature of this bill that would allow any laborer or mechanic to commence a civil action on their own behalf and previously they would not have had any standing. So, this bill really plows on new ground and is quite interesting. I think it needs a lot of oversight itself and more work before we consider it for final passage. Thank you very much for your interest and we'll be watching this bill carefully."

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

"Thank you, Mr. Speaker, in strong support. Mr. Speaker, this measure is a really important piece of public policy because over the last eight years or so this Legislature and both the previous Governor and this Governor have approved a number of extremely generous subsidies to various industries from technology to construction, to real estate, to tourism. And the public policy choice that we're making today is that if you take free money from the government, in other words actually if you take free money from other taxpayers, that you shouldn't be taking this free money, this subsidy, this appropriation from the government and then turning around and not paying a living wage to the people who you are hiring.

"Because as we sat in these Chambers and made determinations on revitalizing the economy and providing high

quality jobs, those are the conversations that we had from the Ko 'Olina tax credit, from the hotel and remodeling tax credit for Act 221, for the home renovation and construction tax credit. What we're saying is that if there are going to be tens of millions of dollars to be doled out in subsidies to business that at a minimum, they shouldn't be taking this money, paying these people so little that the people being hired actually have to go different departments of our State government and take subsidies out of the Department of Human Services, the Hawaii Health Systems Corporations, the Department of Health, the Department of Education. At a minimum, if we are going to subsidize these businesses and help them to thrive, they should pay a living wage. I think that's a fair public policy choice to make. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill is just one of a series of pro-union bills. I'd just like to repeat again, Hawaii is number two in the nation with union membership and it drives costs up. There is a right to work law. Many states have passed it and we are the antithesis of the right to work law here in Hawaii and I think we pay a price for that. I'd like the words of the Representative from Waialae to be entered into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to respond, stating:

"Mr. Speaker, just a rebuttal. I believe that when we pass a tax credit and it's from this Body, we are doing it to help an industry and perhaps in this case, we are giving it to housing to help lower the cost of housing, which is very expensive. So, I don't think that we should extract other onerous provisions, especially a law that would increase the cost of housing.

"My problem is not the fact that we will be charging or allowing the prevailing wage, which is may be higher than it would be otherwise. It is a living wage. There is no problem with construction wages. Presently, they are very high and everybody is doing very well who is making their living from construction. So, I just wanted to let the Makiki Representative know that I do not have a problem, and certain construction companies have no problem with paying the prevailing wage.

"There are other problems with the law and this particular one makes these projects unmanageable and it's very difficult for the departments to be able to implement this law. Thank you very much."

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

"Mr. Vice Speaker, in strong support for this legislation. Two points, Mr. Vice Speaker. The first one is this Body, a long time ago passed a prevailing wage law and that law is a matter of public policy and it states that when taxpayer dollars are used for government projects, that a prevailing wage shall be paid to the employees who work in that project. Good law. What this bill does is it makes sure, given the things that have happened recently, that when taxpayer dollars are used that a prevailing wage does apply.

"And a good example is the Ko 'Olina tax credit. The taxpayers are giving \$75 million, Mr. Vice Speaker, for that project. For all kinds of hotel construction, houses, golf courses; whatever they build. An aquarium. And if they're going to use those taxpayer dollars, they should ensure, at least, that a prevailing wage is paid.

"We recently read in the paper, for example, that we are going to be using the lands around Kewalo Basin for public purposes. They are out to bid right now. You want to make absolutely certain, Mr. Vice Speaker, that a prevailing wage is used on those projects. Right now the law is not clear on that. This bill will make sure, absolutely certain, that it does occur.

"And finally we see projects where the government has built and leased back, or the government takes 25%, 30%, 40%, 50% of the building space for government purposes. Right now a prevailing wage does not have to be paid on those projects. This bill, if it becomes law, will ensure that a prevailing wage is paid on those projects. We're using valuable taxpayer dollars, Mr. Vice Speaker, to do these projects. And I think it's a matter of public policy that we want to make absolutely certain that a prevailing wage is paid.

"Now, the other reason is, particularly seeing the huge construction boom that's ongoing, is we see people coming in from outside of the State and from other parts of the world even because of the demand for construction workers, that are undercutting our local employees and employers who are paying the prevailing wage. And this bill will ensure that the playing field is fair and level, and there is no undercutting of bidding.

"Now an issue is raised as to who is going to enforce this bill. The Department of Labor will, Mr. Vice Speaker. And in fact a great part of this bill is that if the Department of Labor, in fact does not ensure that prevailing wages are paid on these types of projects, a laborer or mechanic can bring a suit against the Department of Labor if they don't proceed with the investigation. If they do, and they find that a prevailing wage is being paid, fine. If they don't pursue the investigation and a prevailing wage is not paid, then this injured laborer or mechanic will prevail. I think it's a novel approach. It's something we already use in our environmental protection laws where citizens can sue the Department of Health if they don't enforce our environmental laws. It's much the same way under this new scheme that we've developed.

"I think it's a good way to make sure that prevailing wages are enforced in our State particularly given, I'm saying, in the next decade you're going to see so much construction. You want to make sure that the people of our State, our employees are paid a prevailing wage when taxpayer dollars are used for those projects. Thank you very much, Mr. Vice Speaker."

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

"Yes, thank you Mr. Speaker. I speak in strong support of this bill, too. And I'd just like to remind this Body that while we all support business and helping business because we know that that pays taxes, business cannot survive without labor. And without paying prevailing wages, labor cannot buy the products of business. So, we have to work together. Thank you."

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

"Thank you, Mr. Speaker, in opposition. I just want to say the previous speaker who talked about using taxpayer's dollars. I just want to point out that the Ko 'Olina example that was used is not using taxpayer's dollars. They must generate \$75 million in income before they get any credits over a ten year period; \$7.5 million a year. So, they are generating dollars that we wouldn't have had otherwise. They're not taking money from the treasury.

"And secondly, they're creating jobs. And those employed are not on the State jobless role so we don't have to help them with their expenses because they're earning it themselves, and they in turn are paying State tax revenues to the treasury. So, I think that it's a win-win, and God forbid, we should shut down such projects like this by putting them out of business. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to read a part of this bill that the Chairman of Labor was talking about. Quote: 'Public work', this is on page 2 of the bill, '... means a construction contract between private persons if more than twenty-five per cent of the assignable square feet of the property is leased for use by the State or county, or any agency of the State, whether or not the property is privately owned.'

"And this to me is a huge stretch. I wouldn't call a building that is owned by a private property, say the Ali'i building over there, and if a county or a State department was in there, 25% of it, suddenly every bit of work in that building comes under the heading of prevailing wages. We are expanding the meaning up of public works just way beyond anything the federal government ever comprehended. I mean this is a gigantic job for the Department of Labor to take care of or even keep up with. And I'm sure the unions will be there real quick to tell you, 'Hey, I saw the lawyer's office of the Ali'i building doing something and we don't know those contractors, and they're not getting prevailing wages.' This is just an unbelievable bill and I'm surprised that anybody in this Chamber can support it. Thank you."

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

"Thank you very much, Mr. Speaker. Surprise, I support this bill. So, I am a Member of the Chamber that does support this.

"Just a slight correction in the references that were made about Hawaii being the second highest proportion of unionized members and so on, and so forth. This has nothing to do with unions. The Little Davis-Bacon does not apply to labor unions *per se*. It applies to prevailing wages.

"And as far as references go that a union would jump up and down and scream if this bill is not enforced, Mr. Speaker, the prevailing wage law is enforced by the Department of Labor. That would be their job. Again prevailing wages are paid for construction projects that have a State interest in it. There are many companies out there that are not represented by an organized union, but they pay prevailing wages and they are working on those jobs as we speak. Thank you very much."

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

"Mr. Speaker, I'm rising I guess, with serious reservations that might slide over to a no vote. I'd like to just read from one section of the bill. It's a slightly different section than my colleague read from a few minutes ago. On page 2 of the bill it states that 'public work means a construction contract between private persons if ...' And then you go over to page 3. 'If construction work is performed according to plans, specifications, or criteria established by the State, any county, or any agency of the State or county.'

"Well, it seems to me, and the way that this system works, that this means every project becomes a public works project because your normal nuts and bolts project; they have to go in to the building department of the county, at least on this island, and they have to perform according to plans, specifications, or

criteria that are established by that county or they don't get a building permit. So I don't see what's left. I mean, it seems to me that this bill makes every single project a public works.

"Now, I'd be very glad if the former Chair of the ... I don't know what he's the Chair of now. The Labor Committee? Or whatever, that works for Ashford and Wriston. I'd be very glad if he would tell me that my reading of the bill is wrong. But, I really see that there is no project that's going to be exempt unless that project doesn't get a building permit, and then it's being done illegally if the cost of it is a \$1,000 dollars or more. So, I would love to get a response from across the aisle, or if you would like to call a recess, I'd be glad to do it that way. I just can't see that this bill doesn't incorporate everything as a public works project. So, if ..."

At 2:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair

The House of Representatives reconvened at 2:18 o'clock p.m.

Representative Thielen continued, stating:

"Thank you, Mr. Vice Speaker. I've been told by the Labor Chair that this section does need to be cleaned up, so I am going to vote no until I see it in its cleaned up form because I believe the way that you can interpret this is way too broad. The Labor Chair said that it was not intended to be that, but the language does need to be cleaned up. Thank you."

Representative Caldwell rose to respond, stating:

"Mr. Vice Speaker, just to clarify what we discussed, we will even make more clear that this bill is not to be applied to someone who would walk in for a building permit to build their home. It does apply to public projects, let's say, the Alii Place Project, where the State and the county were dictating that the Prosecutor's Office had to be there. They specified what the building would look like. They specified that public parking would be in it. And this is what this deals with.

"But to get the speaker from Kailua, the Representative from Kailua, to vote in favor of this bill when it comes out for Final Reading, we will even make it clearer, so we can get her support. I'll greatly appreciate it and look forward to that day. Thank you very much, Mr. Vice Speaker."

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

"I'm from Kailua and I vote for the bill. Thank you."

The Chair responded, stating:

"I think Representative Caldwell meant Representative Thielen."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1214, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 946) recommending that H.B. No. 1318, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1318, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Standing Committee Report No. 946, House Bill No. 1318 HD1 – Relating to Public Employees.

"The purpose of this bill is to encourage voluntary organ donation by allowing Hawaii State and City public employees to use up to 7 days of paid leave each calendar year to serve as bone-marrow donor. It also allows use of up to 30 days of paid leave each calendar year to serve as organ donor.

"This bill is intended to provide an opportunity for public employees to receive a specified amount of paid leave immediately after donating their organ or bone marrow in order to recuperate from the procedure.

"I just want to make it clear that this paid leave is a separate category. This is going to be in addition to the regular annual and sick leave earned by public employees.

"Mr. Speaker and colleagues, the federal government provides for this paid leave when it passed the Organ Donor Leave Act, Public Law 106-56, on September 24, 1999.

"Since passage of the federal law, many states have followed passing similar laws. 20 states, I believe, have done so, including – Ohio, Utah, Colorado, Delaware, Florida, Missouri, Maryland, New York, Virginia, Wisconsin, Georgia. And this year, 20 more state legislatures are moving toward passing the same laws.

"This is a very good bill, Mr. Speaker and colleagues, given the difficulty finding volunteers for organ donation. Its impact to state revenues in terms of loss wages is very minimal, but the impact on organ donation in terms of potential increase of donors is tremendous. Statistics show that people do not have any choice when considering volunteering to donate organ for the simple fact that they do not have the resources to cover their expenses during the time that they are out of work to recover from the procedure. This bill gives them that security. I urge your support for passage of this measure. Thank you."

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

"Thank you, Mr. Vice Speaker. On the same measure in strong support, with written comments in the Journal. And also just to mention that this month is Kidney Awareness Month. Thank you."

Representative Magaoay's written remarks are as follows:

"Thank you Mr. Speaker. I rise in support of House Bill 1318, HD1.

"Mr. Speaker, currently over 87,000 Americans, over 400 of which are Hawaii residents, are awaiting organ transplantation; approximately 12,000 people will die this year never having received a potentially life-giving organ. This important legislation will assist current efforts by the federal government, states, and other entities to promote organ donation, to reduce the waiting list, and to improve the practice of organ recovery so that more Americans receive life-giving organs.

"Living donors are healthy and active, and do not expect anything in return from doing the transplant, hence, the "donation". Living donors do not get paid for their donation, and unfortunately, some donors are faced with the challenge of deciding if they can help someone, even if it means not being able to work and not having an income for an extended period of time. As most living donors are working full-time, they must rely on employers to accommodate their time-off. In some instances, unpaid leave is the only option. For donors, this can be a financial hardship, when factoring in the amount of time, a donor needs for the work-up (about 10 different appointments) and for the recovery of the transplant (roughly 3-6 weeks). In some cases, donors fly over from Neighbor Islands at their own expense to be transplanted at Saint Francis, which is the only hospital in the State qualified to do the transplants. The expense adds up quickly. For some donors, claiming temporary disability is an option, but it is not handled consistently throughout insurance companies, so living donors have been denied this partial compensation. Potential donors knowing of this denial of compensation would discourage would-be donors.

"Many efforts have been made to increase organ donation. Among those efforts has been a renewed emphasis within the past four years on live kidney donation. Live organ donation helps reduce the organ shortage, provides organ transplants for many needy recipients, and often results in improved long-term outcome.

"People volunteer to become organ donors. They chose to undergo a major operation in order to provide transplantable organ for a relative, friend or even in rare cases, in which, at least five cases are known to a stranger - to give a Gift of Life. This is a heroic and selfless act on their part which they receive nothing other than the reward of seeing the recipient benefit from their donation. Many of these donors sacrifice much; lost income, lost time, as well as anxiety and discomfort. Every effort should be made to reduce disincentives to a live organ donor. Supporting this piece of legislation would be one way to compensate many for their heroic deeds. A small compensation to donors for such a valuable Gift of Life. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1318, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 947) recommending that H.B. No. 1548, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 948) recommending that H.B. No. 1614, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1614, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition. Thank you. Reviewing this, I had made a personal commitment to try and support Act 51 as best as I could possibly support it after the decision was made to pass it last year. But, there's a couple of issues that I had with this particular bill. And one would be that DOE will have a right that is not afforded to any other personnel system.

"The civil service employees of the Hawaii Health Systems Corporation were not afforded this protection when HHSC broke off from DHRD. And there are logistical problems of allowing members in a separate personnel system to transfer and be promoted in DHRD's civil service position. The job classifications under the DOE's personnel system may not be the same as the job classifications under DHRD's civil service systems.

"Another issue that I have is that this bill runs contrary to Act 51 by undermining the DOE's autonomy. The purpose of Act 51 was to grant the DOE more autonomy and less dependency on the other Executive departments. However, under this bill the only way to ensure DOE, civil service employees have the same rights and benefits as DHRD's civil service employees, is to require the DOE to follow the same rules, regulations and policies and procedures as DHRD's civil system; that's undermining the goals of Act 51. Thank you very much, 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. 1614, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE PERSONNEL," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Fox, Meyer, Moses and Stonebraker voting no.

At 2:24 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1393, HD 2; 1737, HD 1; 755, HD 1; 1214, HD 2; 1318, HD 1; 1548, HD 1; and 1614, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 949) recommending that H.B. No. 27, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 27, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'd just like to comment. I'm for this measure and it's about time. In 1972, when the Representative Patsy Mink got this bill passed and it's, now, I think called the Patsy Mink Bill. But, you know it's taken a long, long time to get equality for women but we are making progress ladies. 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. 27, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 950) recommending that H.B. No. 85, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 85, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I'm sorry, could we go back to 950? Thank you. I'm rising in opposition to this measure. This bill does not provide a solution to the critical crisis of cargo space in Honolulu Harbor.

"H.B. 85 would exclude Pier 1 and Pier 2 from the Hawaii Community Development Authority's Kakaako Community Development District, and give the Department of Transportation sole ownership, jurisdiction, and control over maintenance operations and the development of Pier 1 and 2. This change of ownership does not add cargo space. It does not provide a long range holistic plan to ensure that all resources: land, water, structures and finances are used in the most efficient and effective manner to best meet the needs of all harbor users.

"These long term needs can best be addressed by allowing the HCDA and the State of Hawaii Department of Transportation to complete a Memorandum of Understanding. This agreement will provide assurances to users of the State's commitment to balance the interest of all harbor area users while developing a long-term plan for the Honolulu Harbor area.

"The DOT and HCDA recognize the importance of the maritime cargo industry to the economic viability of the State and that Piers 1 and 2 are vital to Honolulu Harbor's maritime capabilities. By allowing the agencies to develop an agreement, it will provide an assurance of stability and availability of the piers for manifested cargo, as well as the commitment to make long-term capital investments, which will improve the facilities for all users.

"In addition, an MOU provides the agencies with greater flexibility to be more responsive and better meet the needs of all harbor users. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I speak very strongly in favor of the project. I believe that all harbors should belong under DOT so that they can have, as the former speaker said, a well-planned approach to our manifested cargo.

"The State of Hawaii, right now, in the Harbor Division is running short of cargo space. It is my understanding that under the general plan for Kaka'ako, Piers 1 and 2 are basically going to be used primarily for cruise ships. Cargo would be used on occasion, but the purpose was for cruise ships to be berthed at Piers 1 and 2.

"The bill that we have before us does not preclude cruise ships, but it does say that at least one of the piers must be for manifested cargo. What it means is that for food and essentials, one of those piers must be for manifested cargo. It makes it very clear. The Memorandum of Agreement that's planned did not make that clear. It is not law. Yes, it is flexible but it's not, what you would call, to hold one liable for what one does. I believe a bill like this, putting it under the DOT who has the responsibility for all of the harbors, would be a better approach to protecting our cargo space. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition. I just have to note that this bill in no way increases cargo handling capacity. It doesn't do that at all. It just moves the ownership, if you will, from one agency to another.

"I'm just wondering if the backers of the bill aren't primarily those shippers who are opposed to the Super Ferry. And they're afraid that they may get squeezed out, which will not be the case of course. So, I'm just wondering what the motive is behind this because they're not going to get any more cargo handling space. It's just not going to be there. They're just going to change who owns the piers. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, very briefly in strong support. This bill is just to ensure that remaining cargo space, and cargo space is at a premium, that remaining cargo space remains for that purpose and not developed for other uses except for cargo in the limited Honolulu Harbor. 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. 85, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Meyer and Moses voting no, and with Representatives Arakaki and Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 951) recommending that H.B. No. 89, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 89, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Vice Speaker. I rise in support with reservations and request that my additional comments, after this, be inserted in to the Journal," and the Chair "so ordered."

Representative Berg continued, stating:

"Thank you. I have two concerns. One of which is that there's evidently one company that has some new kind of security system that is being considered in this contract. And number two, I have a concern that the money for the security of Honolulu Harbor will not supersede the availability of money to combat the safety and security needs that we have for invasive species. Thank you."

Representative Berg's written remarks are as follows:

"I support the general intent of this bill, with reservations. I support it because since September 11th, most Americans are frightened at the prospect of another terrorist attack and would like to invest in new and better security systems for our ports, harbors, airports and other areas, which may be targeted. I believe that most American taxpayers would insist that some of their federal and State dollars should go to improve security in the islands. Yet in our desire to be more secure and careful about what we are doing to protect ourselves in the wake of 9/11, we must also be conscious of the tendency to be vengeful, to lash out at those we feel are responsible for our suffering or at least, those who look like people responsible for our suffering. We must not allow ourselves to trample on the civil liberties of the few to protect the safety of the majority.



"As we all know, that has been the direction our nation has taken since 9/11. Reports from the national news demonstrate many instances of people who "look Muslim" being stopped and searched for no other reason than their appearance. And there are people in all parts of the nation who would like to institute that kind of racist system, even here in the islands. In a House Finance Committee this Session, an individual testified that his company was awaiting federal commitment for port security matching funds, and that should he receive any of the monies, he would frisk and search any person coming into the islands with a Muslim name. He also intended to stop and search all ships from certain "suspect" countries 20 miles from shore. This kind of race targeting is unacceptable, even in the name of national security.

"In these troubled times, many of us would be inclined to believe that such drastic measures – racist as they may be – are necessary evils for national security. However, I would argue that we have to resist all actions that are borne from our worst fears. As lawmakers, we must do what we can to ensure the safety of our citizens and pass HB 89, but we must also be very careful about to whom the funding goes and for what it will be used."

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

"On 951, I'd just like to express my reservations. Section 1 of the bill singles out a single entity. And I think that the bill is a special interest bill. 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. 89, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SECURITY FOR THE PORT OF HONOLULU," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 952) recommending that H.B. No. 1030, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1030, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARINE HIGHWAY SYSTEM," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 953) recommending that H.B. No. 1309, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1309, HD 2 pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Chong's written remarks are as follows:

"Mr. Speaker and Members of the House, I stand in cautionary support for HB 1309 HD2, Relating to Taxation (Public Transit: County Surcharge on State Tax). Although it may not go to my district, I understand the need for a mass transit system on Oahu, and the need to allow the county to increase the GET tax to fund that system. Mass transit and other solutions will provide relief primarily to motorists on the

Leeward coast, but by relieving the traffic on the H-1 corridor, it will also relieve congestion in other parts of the island. By improving the commute for Leeward residents, long-term development of quality housing in that area will improve. This will lessen the pressure for housing on the Windward side and allow us to keep the Windward side "country". Furthermore, the rest of this State paid for the H-3 freeway, which mainly benefits the Windward side of the island. We must think in terms of "we" and not "I".

"This bill does not raise the tax, but rather allows the county to increase the tax up to 1% to address traffic issues. As mentioned by our congressional delegation, we need a dedicated funding source to help obtain federal matching funds. Time is critical as the transit bill presently going through Congress is a 6-year appropriation and should we not fund it this year, we would possibly have to wait 6 more years, with traffic worsening by then.

"I, like you, Mr. Speaker, do not like to pay more taxes. At the same time, what are we doing about traffic? Do we wait 6 more years for traffic to get worse and then decide to proceed, only having to wait 5 to 7 more years for the design and construction. I do not know what the solution is, Mr. Speaker, but I do know that doing nothing is an undesirable option. Thank you, Mr. Speaker."

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

"This is the bill to give homerule authority to the counties so they can, if they choose, vote to increase taxes by adding a 1% surcharge on the GET tax to build mass transit in various forms: ferries, buses, etc. It's not necessarily locked in to just rail. I'm speaking with grave reservations.

"Now of course, the area I represent is hounded by horrible traffic. I get to see about everybody in my district every morning and every afternoon on the freeway. You know, we wave to each other regularly. And many of you from Mililani, we see each other all the time. So, you know what the problem is.

"Unfortunately, we only have one measure moving here in the House and it is related to the GET Tax, which is the most regressive tax that anybody in the world ever thought of. And of course, we had to think of it here in Hawaii. Now, if we really wanted to get serious, why don't we give back the TAT Tax to the counties? That would be enough money for them to build any kind of mass transit they need. We could do that, we've done it before. Or, if we're really serious or we want to help out the counties, let's give them 1% of the GET? Give them 1% of what we're collecting now? We can live with \$200 million a year less if we tighten our belts. We could surely do that.

"But no, we give them the option to just add another burden on to the taxpayers and I think that it's a horrible way to go. I think it's a gutless way to go. Then you force some people like me to say, okay, if they want to make it harder on the residents with a tax in order to let them get to work so they can make money to pay the tax, then we'll give them that option. And I think that's a horrible way of doing business. Thank you."

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

"In support with reservations. I'd like the words of the Representative from Kapolei to be used as my own. I also have some brief comments. I believe in homerule, Mr. Speaker, and I believe the City and the counties should be allowed to determine their own destinies. Thank you."

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

"Thank you, Mr. Speaker, also in support with reservations. I appreciate the fact that this bill has a termination date on it, a sunset date. I believe that such a tax increase should last only for the period of time that's necessary to raise the capital funds to finance a large rail system.

"I wished that we had also paralleled what the Legislature did in 1990 by holding the ceiling at .5% rather than 1%. That is sufficient to raise \$1.5 billion, which is a good sum of money. That's for the county, the City and County of Honolulu, \$1.5 billion. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am voting no on this measure and I'm very much against this tax increase authorization. Don't kid yourself. It's going to be a tax increase. It's going to go to 5%.

"I've been here before. I think in the mid-80s, there was another similar measure. It passed and it went to Honolulu County and they did not enact the tax. The Neighbor Island counties got a million dollars each and they laughed all the way to the bank. They took the money and they got it right away, way before Honolulu County actually voted on the excise tax increase.

"You might take it lightly, but you've got to think in terms that an excise tax increase could mean as much as \$900 a year to a family. It is a tax on shelter. It is a tax on our food. And if you don't think 1% is a lot, the grocery chains will tell you they are very happy if they make a 1% profit. Sometimes they don't even make that much. And these are big chains.

"We are taxing sickness. And so it is quite an onerous tax that we are putting on everyone. It compounds. How many times have we heard that our 4% excise tax is equal to, maybe 12% or 13% sales tax over on the mainland? We've got to think of how much it's going to hurt people. This is regressive. Regressive sounds like a big word. It's a 25-cent word, yes. But that means it hurts the lower income people the most because they pay most of their income on food, rent and medical services. So you might pass some panaceas to make it feel better; an earned tax credit. Okay, we're helping the poor people. But they're going to be paying a whole lot more through an increase in the excise tax.

"There's other ways to do it. You would think that I'm against the fixed rail but actually, I am for a fixed rail. And I'd like to see when one, one of these days, go out to Ewa because I really feel for the people who have to fight that traffic every day. But we can set aside maybe \$300 million a year. We have that much in back taxes that we really should go after. We can get matching funds from the federal government. There are ways to do this and we haven't even talked about them. So let's address those questions first. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I'd like to rise to speak in favor of the measure. I rise in support of HB 1309, a bill to authorize a general excise tax increase to fund public transit in the various counties.

"Mr. Speaker, the *People's Poll*, in its Winter 2005 edition published by the Hawaii Business Roundtable and the Pacific

Resource Partnership, ran a story on perceptions about traffic congestion. Statewide, 69% of the population felt that traffic during rush hour had gotten worse during the last year. 40% said it had gotten a lot worse. And the Ewa/Leeward area, 57% felt that traffic had gotten a lot worse just in the last year.

"The *People's Poll* story also did polling on traffic solutions. Statewide, 72% favored developing a rail system with 47% strongly in favor of rail. Statewide, a mere 13% strongly opposed rail. On Oahu, 52% strongly favor the rail system. Furthermore, 57% of Oahu residents would be willing to have their taxes increased to build a rail system.

"Mr. Speaker, there is a strong public support for major investments in transportation. And there is an increasing awareness that the enormity of our traffic problems would require some sacrifice on all of our parts.

"H.B. 1309, HD 2, allows each county to raise the GET in that county by up to 1%. If a county decides to raise the GET the full 1%, the average person would pay an additional \$209 per year as a result of the increase. If you spend more, you pay more. In addition, 30% of the tax increase would be paid by visitors.

"The 13% who strongly oppose rail have made much of the cost associated with constructing a rail based system but fail to mention the quantifiable cost of doing nothing. The Texas Transportation Institute estimates that Oahu alone wastes \$151 million a year, directly attributable to traffic congestion. That's \$157 per person per year. If we're going to spend money, let us spend it on something that can offer an alternative to sitting in traffic instead of completely wasting it just sitting in traffic.

"In addition to the strong support a rail based system enjoys at the grass roots, political momentum is growing to finally build a system. Representatives Abercrombie and Case have successfully amended HR 3, The Transportation Equity Act, to include an authorization for funding for rapid transit in Honolulu. This is a critical first step in obtaining federal funding for a rail based system on Oahu and speaks to the importance of having an active Congressional delegation working for us in Washington.

"Mr. Speaker, the next critical step, which has been repeatedly emphasized by Congressman Abercrombie and others, who are familiar with the working of the Federal Transportation Administration, is providing a local source of funding not only for construction but operations and maintenance as well.

"Like our air transport system, which receive \$35.5 billion worth of subsidies in the last twelve years, a rail system will require continued support for operations and maintenance. If we do not have a source of funding in place for operations and maintenance, it is unlikely that we will receive any federal money.

"House Bill 1309, HD 2, can provide that source of local funds to leverage federal and private dollars. However, I am concerned about the sunset date currently in the HD 2. This issue must be addressed as H.B. 1309 progresses.

"Concerns have also been raised that the City and County of Honolulu will not do its part and raise the GET as HB 1309 authorizes. Those fears are unfounded. Mayor Hannemann made it clear in his testimony before the Transportation Committee, that he would bite the bullet and raise the GET on Oahu. Seven members of the Honolulu City Council have co-sponsored a resolution asking us to grant them the authority to raise the GET to up to 1%. This should not be a repeat of 1992.

For these reasons, I ask my colleagues to vote in favor of House Bill 1309. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I have serious reservations. I will vote aye because it is one solution to a terrible traffic problem that I realize. I pity the people who have to live here all year long and those particularly who have to live farther out in the northern or eastern side of our island because they certainly need some way to solve their traffic problems.

"But, I have very serious reservations because I don't like to see the Excise Tax raised. To me, the Excise Tax is not a good tax. It's a tax on all the people. I would prefer to see the Income Tax raised and make these rich people that are making real property values go up in the State of Hawaii pay their fair share of taxes, most of whom are not long term residents anyhow, in their gated communities. They live behind gates with security and they don't pay their fair share. But on the other hand, I do feel for the people of Honolulu. And I also, as a former county official, am very much for homerule.

"So if the people of Honolulu want to vote for an increase in the general excise tax, it's up to them. And the local government will be responsible to the people and have to respond. I don't think on the Island of Hawaii that it's going to get very far because I think our local Representatives listen very carefully to the people and we certainly don't have your problems.

"But I will vote with very serious reservations, hoping that we can find better solutions. And one solution, I would like to offer, is each county has the option to raise your Fuel Tax. Let the City and County of Honolulu raise the Fuel Tax to pay for their getting the cars off the road so they can fix the potholes. But, whatever. My vote is with serious reservations. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'll be voting no on this measure. I like the previous speaker's words. They were such strong words against the bill for such good reasons, but she voted with reservations. I'd like at this point to incorporate the words from the speaker from Waiālae/Kahala, if I could," and the Chair "so ordered." (By reference only.)

Representative Stonebraker continued, stating:

"I'd like to share with you a little secret of our Caucus, Mr. Vice Speaker. I might get in trouble for saying this. But the acronym for 'with reservations' is WR. We have a running joke, in our Caucus, that that could also mean 'wimpy Republican'. And in this case it looks like this bill has broad bipartisan support even among many of my colleagues supporting this measure with WR votes, 'wimpy Republican' votes. That's just a joke.

"But, I think that you should decide which direction you're going to go on this out right; one way or the other. Because at the beginning at this Session, in many of our speeches we said, 'Let's not raise taxes.' As we've heard from previous speakers, we've already held hands with the City on this. We've already made note that the Mayor is committed to raising this tax as soon as we pass this bill. And so this talk about autonomy and home rule is 'baloney'. It's just a way to shirk the responsibility. If we pass this measure, let there be no doubt about it, we are raising taxes on the people of Hawaii.

"We have lots of tax revenues that are coming in to the State. Mr. Speaker, we talked about some of the back taxes that have not been collected. The economy is growing at such a rate that we expect increased revenues. You know, when I want to buy something at my house, whether it be an automobile or anything. Perhaps, a new hard drive for my computer. If I don't have the money, I have to save that money.

"There was an editorial in the newspaper, I believe it was today. Even the people of Hawaii, we have to consider our budgets. It was speaking to the government. See, the concern, the people in Hawaii are concerned that their taxes are going up. The City taxes are going up. The sewer taxes are going up. We've had proposals this year for the cigarette tax to go up and I'm happy to not see that bill on the agenda today. But we've said that we're not going to raise taxes.

"Now this bill also says, Mr. Vice Speaker, that if we do indeed pass this, and I suspect that it would pass without the signature of the Governor, that it doesn't have to be spent on the rail. What does that mean? Well, it means that a rail won't be built. That's the bottom line. Right now our City subsidizes the bus program by 70%. That is only 30% of the cost to ride the bus goes to pay for the bus program, and 70% of the costs are paid for by the City.

"What will happen if this bill is passed is that the money that is collected from the increased GET will replace that 70% that's used by the City and it'll just run the bus program in the City and County of Honolulu. It will fix the sidewalks because the bill here says in section (c), number 1, operating or capital costs of public transportation within each county for public transportation systems including public buses, trains, ferries, pedestrian paths, or sidewalks or bicycle paths. And then it goes on to say that expenses can be used to pay for the ADA Act of 1990. In other words, this money will be used to build sidewalks and to subsidize the bus program.

"One of the arguments in favor of it is that this bill is a temporary program. I'll remind the Body that it's been said once that there's nothing so permanent as a temporary government program. And I would encourage all of my colleagues on both sides of the aisle, whether Republicans or not, not to go with reservations but to vote no. Thank you."

Representative Pine rose to respond, stating:

"I want to make a note for the record that this WR means 'willing for rail'. Thank you."

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

"I'm rising in support with reservations. We have so much trouble with our roads, especially on the Big Island. I'm just really pleased that we're moving this bill forward to give the county some tools to work with. My reservation is that I have some concerns about it being a GET tax, and that it may impact low-income families. Thank you."

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

"Thank you, Mr. Vice Speaker. I'm rising in opposition to the bill. Thank you. We're trying to distance ourselves from the responsibility of raising the general excise tax. But as the representative from Hawaii Kai very ably stated, we can't wash our hands of this. We absolutely cannot wash our hands of this. We are the enablers. We are the first step, the enabling step that is going to allow the City and County on Oahu to raise the general excise tax for our residents here. And I think this is a very serious mistake, Mr. Vice Speaker.

"People are struggling enough as it is and particularly those that at the lower income level. And this tax is going to hit them every time they take a breath. They are going to be taxed. And so we can't go back to our constituents and say that we didn't do it, we're innocent. Because, we aren't innocent, we are the enablers. And I really wish that you all would take another look at that.

"I noticed on the voting record there were a tremendous number of 'wimpy Republicans' on both sides of the aisle. And of one brave 'no' from my colleague from Laie; and only two excused. But there were seven that were either WRs or no, and ten that voted, 'Okay, let's be the enablers. Let's actually allow the counties to raise the GET Tax.'

"I hope people will reconsider this. We know all know that as bills pass over on First Crossover that there's time to reflect and think, why did we do this? It's not a good idea. I frankly don't know of a tax that has been implemented and then repealed. Maybe there's been one, but somehow in Hawaii I think that just doesn't occur.

"The other thing one of my colleagues across the aisle said that we don't want to raise fees. Well fees are paid by people that are applying for a permit or something from a department. If it is raised in the general excise tax you don't have a choice to say, I'm not going to buy food; I'm not going to go to the doctor; I'm not going to get my prescription. You don't have a choice. These are going to hit people whether they like it or not. So, we do evidently in this Body raise taxes, but I think it's really a wrong step. Thank you."

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

"Mr. Speaker, I rise in very strong support of this measure. As a matter of fact, I did my own polling in my neighborhood about raising the GET tax. I stand at the corner of Renton and Ft. Weaver Road to ask people if they were willing to accept our 1% raise in GET tax to solve our traffic roads in the Ewa Plains. And the answer that I got was very positive. Yes, they are willing. And furthermore, we've been talking about this rail for the past ten years. It's about time that we implemented. The longer we wait, the more expensive it gets. So, I ask my colleagues to vote yes on this measure. Thank you."

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

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

"Mr. Speaker, I rise in opposition to this measure. This is about the fourth year that I've signed a pledge not to raise taxes by the Americans for Tax Reform. Like my colleague from Kailua, I think that no one listening to this debate can have any illusion about our not having a hand in seeing that the excise tax increased by at least 1%, or no more than 1%. But we are culpable if we support this.

"And to my colleague from Waimea, her reservations are well founded. The people in the lowest income bracket will be affected very severely by this kind of a bill. And to my colleague from Puna, she's right. The counties can raise funds in different ways. They can increase the county tax on gas, they can earmark a part of property taxes, they can increase property tax. They have entire control over the property tax and it wouldn't be out of line for them to do that. And at least in the property tax, you have property owners, who are you know a little higher income bracket and they can deduct some

of that increased cost from their federal taxes. So, if they can raise money that way. But, we shouldn't be doing what we're doing or contemplating doing today. Thank you, Mr. Speaker."

Representative Marumoto rose to respond, stating:

Thank you, Mr. Speaker. I just want to point the fact that the Representative from Kaneohe mentioned that this county can raise the property tax. And in fact, they will be doing so and our property tax bills are going to go sky high, maybe as much as 45%, and those assessments have increased. And there is no indication from the new Mayor that he will propose a drop in the property tax rate. So some of us on fixed incomes will be looking at a big increase in property tax.

"Also, proposed on the City level, an increase on the vehicle weight tax. So we'll have maybe a desire to buy a very light car. The sewer tax will go up 50% the first year, and 25% thereafter. So we're looking at huge tax increases on the county level.

"Here, today we're looking at a long-term care program, which will be like an increase in our income tax. We're looking at an increase in the conveyance tax, and also the Bottle Bill, in which we pay 5 cents or 6 cents a bottle and maybe redeem a nickel of it. But that bottle fund must have millions of dollars in it. So, we are getting taxed whichever way we turn. You know, I think we have a slogan here in Hawaii. If it moves, tax it. Thank you very much."

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

"Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, a couple of things. I'm not a 'wimpy Republican' so I'm going to be moving in support of this measure.

"I think if these 'wimpy Republicans' want to be honest with the community, they should first disclose that they too might benefit from this measure passing out. And really Mr. Speaker, if they understand how our government works, we have a State government and we have county governments. And if they were honest with the people, and they're honest with the constituents, they would let their constituents know that should we pass this measure we are in no way mandating or directing the counties to raise the tax.

"What this bill really does, is authorize the counties to raise the tax should they, after consulting with their constituents, deem it proper, wise and prudent to raise the tax for the purposes of addressing local county transportation needs and desires. And I need to make that point, Mr. Speaker, because I've heard it said by several Members who might belong to the Republican caucus or 'wimpy Republican' caucus, that this bill would mandate the counties to raise the tax. It will not. It will be up to several counties to do so, if they choose so.

"I would like to also remind the Members that at that time, if this matter should pass, the responsibility will lie at the county councils of respective islands. On Oahu, the Mayor is Mufi Hannemann; the Council Chair is Donovan Dela Cruz; the Finance Budget Chair is Ann Kobayashi. And I believe it is correct, what the representative from Mililani alluded to, that 7 of the 9 City Council members did request the Hawaii State Legislature to approve this measure. So, I just want to set the record straight for those who might be listening and who might be reading the Journal comments one day. Thank you."

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

Yes, Mr. Speaker. I speak very, very strongly in favor of this measure. This is in a way, *déjà vu*. I was the Finance Chairman and in the early years when I was the Speaker when this bill came about, 10 years ago. And in reminiscing and looking back, I wonder what the situation would be now if the City Council did approve the transit plan. Would we still have the gridlock that we have now? Would we still be considered as the most dense city in the United States per square mile, with automobiles?

"Mr. Speaker and Members, I hope that we will have the fortitude to do what is right. Ten years, yes. This is a long-term project. Many of us may not see the benefit. I probably will not see the benefit. It may take more than 10 years. It may take 20 years before it can get the linkages to Kaneohe, Kailua, and to other parts of the island. But, we need to begin. This is the first step. As leaders of this State we need to be statesmen. Statesmen-like. We make decisions, not for today. We make decisions for tomorrow and for the future. Thank you very much, Mr. Speaker."

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

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

"Thank you, Mr. Vice Speaker. I stand in strong support and you know, we've seen legislation proposed at the beginning of this Session to allow counties to have the flexibility to possibly map lands, and inventory and propose zoning changes. So I believe that this bill is congruent with the Governor's idea also, of requesting that the people decide.

"This bill affords the opportunity for people to be heard at the county level, as public hearings for the surcharge changes are required. So I support this bill. Thank you very much."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. Yes, it is my second turn and I remain a 'wimpy Republican'. And again I tell you why. I always have believed in homerule. Always. Before I came to this Body, I came to homerule. But what we're saying all the time is we don't mind the counties having homerule if 'daddy says so'; we remain 'big daddy'. So we have to give them authority to do anything they want to do. If they do something we don't like, we take it away. That's not true homerule. True homerule is just leave them alone, and let them do their own thing; the way they see fit.

"I'd have to say in '94, I started on the transportation issues. Actually before that when we started looking at the Ewa development plans, long before there was a Kapolei. But, in '94, I became a member of the Citizens' Advisory Committee to the Oahu Metropolitan Planning Organization and we got really involved in what we were going to do here for our traffic problems because we knew it was growing at it was going to get worse cause we saw the development that was coming.

"In 1996, I became a member of the Policy Committee of the OMPO, the Metropolitan Planning Organization for this State and I also became a member of the House Transportation Committee. So we've seen these things and we worked on them. And other members of the Metropolitan Planning Organization Policy Committee can correct me if I'm wrong, but I believe that it was about a year ago, long before we saw this bill in this Chamber, that the federal government representatives told us that we would have to have an in-place

funding source before they would try to get us some federal money.

"It was long before we started hearing about Representatives Abercrombie and Case. I'm glad that they're supporting this. That's wonderful, but it was about a good year ago that we were told about this. We knew that T21 was expiring and that a new authorizations bill was coming. We also are totally aware of the fact that it's a 6-year cycle. So, if we want to get the money within the 6-year cycle, we have to have the funding source in place. It's all well known. It's not magic.

"Now I have talked to my constituents and you know what? They don't like the tax increase, they don't like the traffic and they say we have to do something. And that's why I turn to my colleagues. We've heard about the, 'No, let's not do this,' okay? And if you just look at the tax, yes. No, let's not do it. Let's not do it because it costs money. But what do we do then because we have to do something because we're wasting money now. And at least the constituents that I have talked to, which is as many as hundreds of them, plus it's on my website, it's in my newsletters, nobody yet has said, we don't need rail."

The Chair interjected, stating:

"Representative Moses, we'd like to move on. This is your second turn. Can you wrap it up in a few sentences?"

Representative Moses continued, stating:

"Okay. What I hope to see one day is, Mr. Speaker, is that we have rail going from Waianae to town, and on to Manoa, and on to Waikiki. Thank you, Mr. Speaker."

The Chair then stated:

"Thank you. We've had I think, 21 speakers on this subject. We've still got to get this measure out to the Senate and hopefully wait for it to come back. So Members, can we move on? Does anybody want to insert comments? Okay, let's move on."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1309, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Finnegan, Green, Halford, Marumoto, Meyer, Stonebraker and Thielen voting no, and with Representatives Arakaki and Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 954) recommending that H.B. No. 1645, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1645, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm standing up on 954. I'm not up on it. I'm down on it. I'm standing up to talk against it. The purpose of this bill is to begin the process of alleviating traffic congestion on Oahu through a mass transit system. Question is, will mass transit alleviate traffic congestion?

"The Alliance for Traffic Improvement and the Hawaii Highway Users Alliance believe that the U.S. Department of Transportation's approved concept of an elevated 2-lane reversible HOT Lane, high occupancy traffic lane, one-way, town bound in the morning, and one-way out in the afternoon,

where buses and carpools go free and others pay a toll would do far more to reduce congestion in the Leeward corridor than rail.

"When we think of transit, it's, do we need it? Can we afford? Can we maintain it? We seem to be, at least in this Chamber, just concentrated on rail. The City has shunned the HOT lane option without any analysis even though it offers the advantage of reliable travel times for bus, van, auto users, and serves police, fire and emergency vehicles, whereas rails are restricted to trains alone.

"Federal data revealed some surprising facts on rail transit. We are the 55th largest metro area in the United States and the clear majority of the 54 that are larger than us do not have rail lines. The smallest metro area in the United States with a high cost elevated rail line totally separated from the streets, like what has been proposed for Honolulu, is Miami. And Miami is four times larger than we are in population.

"The average speed of rail transit of the type envisioned for Honolulu is 22.5 miles per hour. The Washington Metro only averages 23.4 mph, Boston, 20.4 mph. And when you add getting to the rail stations by bus and then at the other end getting a bus to the work place, you begin to understand why the percentage of commuters using public transportation continues to decline. The high occupancy traffic lane speed is 55 to 60 mph.

"Rail transit does not increase the use of public transportation. Of the twelve metro areas that installed rail transit between 1980 and 2000, eleven saw a decline in the percentage of commuters using transit of any kind. And only one, San Diego, held its own. San Diego was unique because they also used existing rails."

Representative Lee rose to a point of order, stating:

"Mr. Speaker, point of order. Is the speaker addressing the previous bill or the bill on fuel tax revenues?"

The Chair responded, stating:

"I believe she's addressing this bill, Stand. Com. 954. Representative Meyer ..."

Representative Meyer: "With the title, Relating to Mass Transit. That's what I'm speaking on."

Vice Speaker Takai: "We've had, I believe, almost an hour of discussion on rail as an issue. So, if you could summarize and if we could move off of rail on to other subjects. We've got a few more pages plus the State budget to do before 12:00 midnight tonight.

Representative Meyer continued, stating:

"Right. Well, I'm almost through here. Rail transit does not increase the use of public transportation; I think I've already said that. Only San Diego, out of 12, held its own. Today 8% of Honolulu commuters use public transportation; 70% use automobiles. If the percentage of public transportation commuting stays steady, and there's every reason to believe it will, every 10,000 additional commuters will mean 7,000 new cars on the road and only 800 new users of public transportation. Rail transit does nothing, absolutely nothing, for traffic congestion. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. I didn't realize we were going to have a full on debate on rail transit this afternoon."

Vice Speaker Takai: "Neither did I."

Representative Fox: "The trouble with the high occupancy vehicle lanes is that in the end they drop all the cars and buses into the middle of a mess in Downtown Honolulu. So, it's great to breeze along while you're going on those lanes. But in the end, those are vehicles that are going to have to be put somewhere in Downtown Honolulu. In contrast to rail, which takes care of the problem because the people who climb on it don't bring their cars with them. They just come with their person.

"These statistics about the size of cities are meaningless. Honolulu is the 6th most densely populated city in the United States. And it's density that tells you whether or not rail is going to work. And the five cities that are ahead of Honolulu all have rail systems.

"The rail usage figures that we just heard were out of date. If you look at the cities in the 90s on the West Coast and they're eight cities on the West Coast that have rail in some form or another starting with Seattle, going to Portland, Sacramento, San Francisco, Los Angeles, San Diego, and little bit inland in Las Vegas. All these cities saw public use of transportation rising in the 90s. Eight out of eight all saw public usage of transportation rising.

"We've got a lot to debate. But I do want to say that I'm very suspicious about people who have four-lane freeways delivered to their doors, that are so underutilized, that they can travel on the freeway at 65 miles an hour, getting up and telling us, the rest of us in Hawaii that we shouldn't have rail. Thank you, Mr. Speaker."

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

"I rise in strong support of this measure. And may the record reflect that I'll adopt the words of the Minority Leader as my own," and the Chair "so ordered." (By reference only.)

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

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

"Yes. Also would like to adopt the words of the Minority Leader. We are in complete agreement. Thank you very much."

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

"Thank you, Mr. Speaker. I'd also like to adopt the words of the Minority Leader. However, I'm opposed to this measure for totally different reasons. I'm opposed to this because this proposal has nothing to do with rail, Mr. Speaker."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, point of order. If I'm correct, I believe the speaker from Kapolei has already spoken twice.

Vice Speaker Takai: "We're on a new measure."

Representative Souki: "I thought he was on 953. Of course the discussion seems to be on 953 and not 954."

Representative Moses continued, stating:

"Thank you. And that's what I saying. I'm not talking about mass transit. I'm talking about the taxes and the fuel. This proposal is to deposit State liquid fuel tax revenues into a special mass transit planning account within the General Fund to pay for a fixed guideway mass transit system. The State tax on liquid fuel is the major revenue source for the Highway Special Fund. So now we're talking about highways and not fixed rail.

"This bill will reduce the amount of liquid fuel tax revenues deposited in the Highway Special Fund by \$3.6 million. The diversion of revenue that is deposited in the Highway Special Fund will negatively impact the Department of Transportation's ability to continue to operate and maintain the State highway system. Furthermore, this type of diversion could negatively impact the Department's bond rating resulting in a higher borrowing cost for the Department, which means for the State, when it seeks to obtain the revenue bond financing needed to support its Capital Improvement Program.

"I note, that the AG notes, that the measure creates a special account within the general fund. The nature of the account is not made clear in the bill. Appropriations would be needed each year to spend the money in this account. And two, the Tax Foundation raises a concern that the \$3.6 million dollars may have an adverse affect on the federal debt service obligation of the State Highway Fund. Thank you, Mr. Speaker."

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

"I'm also in opposition. I do support mass transit as I've demonstrated in the previous measure. However, as the previous speaker did say, it does take money away from the Highway Fund. Mr. Speaker we wouldn't be in this position today if we had not raided the Highway Fund every year for ten years as we had previously. Thank you."

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

"Mr. Speaker, I'll be brief. I am voting no on this. I am not a WR. I think if the Majority does not vote no on this, they're WD-41.

"I am in strong opposition to this hemorrhaging of the Highway Fund. We've gotten a lot of complaints about potholes and mostly they're on City streets but there are several on State highways, as well as State roads. So I think that we should not divert funds away from fixing potholes and we should keep the money where it is. I ask all of you to please think of our constituents and our cars and our chassis, and vote no. Thank you very much."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1645, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASS

TRANSIT," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Arakaki and Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 955) recommending that H.B. No. 460, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 460, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Nakasone being excused.

At 3:17 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 27, HD 2; 85, HD 2; 89, HD 1; 1030, HD 2; 1309, HD 2; 1645, HD 1; and 460, HD 2; passed Third Reading.

At 3:17 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:39 o'clock p.m. with the Speaker presiding.

At this time, the Chair stated:

"Members, at this time we are on page 32. I'm sorry, page 22. I wish we were on 32. We've got 16 more pages to go. So, like I reiterated to all of you, for those of you who spoke on Second Reading, you can insert those comments in to the Journal for Third Reading. I would like to finish by 6:00 this evening so that Representative Meyer can have a nice birthday dinner with her husband, if that's okay with all of you."

Representative Meyer: "Mr. Speaker, I just want to say, I've turned my husband down and now when I go home he won't be there. But I appreciate the gesture."

Speaker Say: "Just a thought."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 956) recommending that H.B. No. 1733, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1733, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in favor of this particular bill on DNA. I would like the bulk of my remarks submitted in the record. However, I just would like to point out a few highlights of it. Hawaii is one of only 13 states that does not collect DNA from all convicted felons and this would allow that. This is important because then you could match DNA evidence from unsolved cases to current DNA databases and then we can link offenders to unsolved mysteries.

"Expanded DNA databases increase the chances that the correct perpetrator of an offense will be identified and apprehended. This can eventually be done in Hawaii. But, this bill falls a bit short and does not allow law enforcement agencies to retrieve DNA from arrestees, only after they are

convicted. However, this is a very good first step. It will help prevent crimes. The cost is low, with swabs now in the mouth. The cost could be under \$2 dollars per swab.

"There is federal money available, maybe as much as a billion dollars for the State and we could use it for equipment, facility renovation and even overtime. The City and County of Honolulu can use these funds to ramp up and expand its crime lab. It's the only one in this State. However, this legislation will be most helpful to our Neighbor Island law enforcement agencies.

"I have introduced DNA legislation for several years and I'm so glad to see that it is finally on the legislative radar screen. I must commend the Chair of the House Judiciary Committee for her leadership in this effort to fight crime and improve justice. We need help pass this measure to help our constituents who are victimized by crime, and we owe it to those who are wrongly accused and convicted. Thank you."

Representative Marumoto's written remarks are as follows:

"Hawaii is one of only 13 States in the nation that does not collect DNA from all convicted felons. Currently we only take samples from sex offenders and those convicted of violent crimes. This measure authorizes collection of DNA from all convicted felonies. Why is this important?

"Across the country, law enforcement agencies are matching DNA evidence from unsolved cases to current DNA databases and are linking offenders to unsolved mysteries. Expanded DNA databases increase the chances that the correct perpetrator of an offense will be identified and apprehended. This can eventually be done in Hawaii. This bill falls a bit short and does not allow law enforcement agencies to retrieve DNA from arrestees – only after they are convicted. However, this is a good first step to build a database of felons. They do have a propensity to be repeat offenders.

"As important, this bill will allow the exoneration of wrongfully convicted people. Expanding DNA database requirements will eventually help prevent crimes; for instance, an offender who is not apprehended remains free to commit more crimes. The average rapist commits 8 to 12 sexual assaults, according to the U.S. Department of Justice. If a rapist could be apprehended earlier, many rapes could be prevented.

"The technology of DNA collection has improved so that blood samples are no longer necessary, and buccal swabs (like using Q-tips to rub inside the mouth) are more effective and easier to use. Collection costs are under \$2 per swab.

"Congress enacted the Debbie Smith Act of 2004, which authorizes over \$1 billion to expand state DNA registration programs for felons. These funds will help states pay for the backlog of unanalyzed samples and complete DNA analysis on thousands of unsolved homicide and rape cases some of them may be cold cases. Federal money is available for equipment, facility renovation and even overtime costs. Hawaii could access these federal funds to analyze these DNA samples if we enact this legislation.

"The City and County of Honolulu can use these funds to ramp up and expand its crime lab – the only one in this State. However, this legislation will be most helpful to our Neighbor Island police and prosecutors. I have introduced DNA legislation for several years and am glad to see that it is finally on the legislative radar screen. I commend the Chair of the House Judiciary Committee for her leadership in this effort to fight crime and improve the administrative justice.

"We need to pass this measure to help our constituents who are victimized by crime, and we owe it to those wrongly accused and convicted."

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

Representative Ching's written remarks are as follows:

"In the fight against crime deoxyribonucleic acid (DNA) testing will empower law enforcement to solve criminal acts whereas other means of investigative processes may create uncertainty in solving complex criminal cases. With today's technology we are able to conduct less intrusive means of establishing DNA testing by just a simple swab of the subject's mouth rather than a blood test. In California, the use of DNA testing is solving unsolved cases at a rate of 2-3 cases per day, including old homicides (both old homicides and cold case homicides).

"Post-conviction DNA testing can exonerate the innocent and identify the real perpetrator with a DNA data bank search. In states where DNA testing is widely used, there are instances where DNA evidence has been used to free those convicted of a crime they did not commit. By expanding DNA testing in Hawaii we are allowing the use of scientific breakthroughs that will assist our law enforcement to serve and protect the people of Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1733, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 957) recommending that H.B. No. 1763, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1763, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition. I am willing to put myself with the company of the people who testified against this bill: the Judiciary; the Crime Victims Compensation Commission; the Victim Kokua Services; the Department of Prosecuting Attorney; and the Hawaii Coalition Against Domestic Violence. 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. 1763, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Meyer and Stonebraker voting no, and Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 958) recommending that H.B. No. 471, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 471, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII



TOURISM AUTHORITY," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 959) recommending that H.B. No. 997, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 997, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 960) recommending that H.B. No. 998, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 998, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 961) recommending that H.B. No. 1590, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1590, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"I support this bill which will market Hawaii as a premiere destination for film production and to reinforce the health of the industry. By supporting the film industry we are supporting our Hawaii students to get involved in this new dynamic yet fledgling industry. Because there are over 300 jurisdictions around the world that are fighting for productions to film in their locations, it is mandatory that Hawaii continue to aggressively market itself as the premier location. Having had a first hand account of the extensive operation of creating a television program such as "Lost" we need to seriously consider incentives to retain highly rated productions and create incentives to attract new television and film productions to Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1590, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FILM AND DIGITAL MEDIA INDUSTRY," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 962) recommending that H.B. No. 97, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 97, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Arakaki's written remarks are as follows:

"Aloha...

"I want to urge all of you to join us to enact legislation for the provision of Tax Credits to encourage our residents to purchase Long Term Care insurance.

"There are many reasons that make this measure important:

"1) Longer Life Spans:

No one can deny that the life span of people, especially in the United States and Asia, have increased dramatically over the past ten years. Hawaii has the highest rate of longevity in the nation and the third highest in the world! According to "Health Trends in Hawaii," the numbers of the "older old" are increasing dramatically. Between 1990 and 1999, the number of residents ages 75 years and older increased by 62 percent and the number of those 65 to 74 years old increased 13 percent.

"2) Caregivers relief:

An estimated one-third of adults are engaged in providing informal care for a disabled person. The average age is forty-six and seventy percent are women. 85% of Long Term Care is provided in the home by families and friends who pay for most of the expense out of their own pockets.

"Government costs are spiraling with the burden to taxpayers over \$100 million annually.

"3) Work Force Issues:

To complicate matters, due to the aging of the population, the labor force has changed dramatically over the past fifty years

- 1) People in the work force once outnumbered people who were retired, fourteen to one, in twenty years it is projected that the ratio will be one retiree to four persons in the workforce.
- 2) There is and will continue to be a critical shortage of caregivers, such as nurses, home health aides, care home operators and nursing home aides.
- 3) Hawaii already has the poorest nursing home bed ratio in the nation, 28 beds per 1000 persons 65 years and older, compared to 61 beds per 1000 at the national level. It is also one of the costliest. We are fortunate to have alternatives such as Adult Residential Care Homes Program and disabled.

"A System of Care:

"CarePlus," was a sensible solution to keep the future costs of Long Term Care at an affordable rate. The goal of "Care Plus" was to provide Hawaii citizens with access to long term care. Is it worth the cost of two plate lunches, and less than two movie tickets and certainly less than a carton of cigarettes to have Hawaii's citizens be the first in the country to be covered universally by a long term care plan? Most of our citizens would say yes to that!

"While we have not established the system of care, I have no doubt, that this legislation will blaze a trail that will obviate a system of care and development of a pool of caregivers that will provide for those in need. In addition, even if we provide incentives for purchase of long term care insurance, many of the residents who are low income or fixed income, will not be reflected by large numbers.

"Hawaii's longevity, along with our culture and tradition of honoring our elders makes it the perfect setting to lead the nation in providing compassionate, affordable, quality care for the frail and disabled elderly and adults. Now is the time to show the nation and the rest of the world, what it is to have a society and government that honors its elders with care and compassion and the truest sense of ALOHA. Let us move forward with HB 97 and hope that more individuals to provide a large number of our citizens to be self-sufficient with a range of services to cover themselves through Long Term Care Insurance.

"Mahalo Nui Loa"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 97, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

At 3:45 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1733, HD 2; 1763, HD 2; 471, HD 2; 997, HD 1; 998, HD 2; 1590, HD 2; and 97, HD 2; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 963) recommending that H.B. No. 236, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 236, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICALLY ACCURATE SEX EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 964) recommending that H.B. No. 1303, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1303, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support but with some serious reservations. Thank you. It appears that the bill attempts to take some of the concepts offered in the Affordable Housing Task Force's report. But there are problems with the bill separating HCDCH into two administrations that are not clearly defined, with separate roles. This shows that we have not learned from our mistakes.

"The measure offers very limited, if any, developer perspective. This measure actually may promote the development of ghetto housing. I hope that it will improve as it goes through the process. Thank you."

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

"Thank you, Mr. Speaker, in strong support. Thank you, Mr. Speaker. On H.B. 1303, HD 2, Mr. Speaker, for the first time in over 10 years the House turns its focus to solving the affordable housing crisis by passing this bill. Mr. Speaker, this bill is the major first-year solution in a 2-year project directed at assessing the housing needs of our residents and finding cost-effective alternatives to the demand for affordable housing.

"This bill creates a House task force to continue the work on affordable housing in order to prepare legislation for next year. Mr. Speaker, make no mistake, Hawaii is in a housing crisis. At any given moment in time, over 4,000 persons have no sheltered place to sleep. Over 200,000 persons, that's 15% of our population who are the 'hidden homeless'. Those who are forced to share housing with others because there's nothing they can afford to rent.

"Our Majority Package bill focuses on the segment of the population with the greatest need for housing; the homeless and low-income. But, we do not forget those with moderate income who find themselves priced out of the market by escalating home sale prices. Our Majority Package addresses four areas. Mr. Speaker, it addresses: low-income rental housing, homeless shelters and public housing, moderate-income ownership housing, and administrative change by separating HCDCH into two agencies.

"And if I be permitted, Mr. Speaker, I'd like to just give you more details in each of these items. For instance, in low-income rental housing, it permits the county to use flexibility in land use density in order to encourage large-scale development of rental housing where at least 50% of the housing units are set aside for low-income housing. It also encourages private development of low-income rental housing by giving private, for-profit, developers an exemption from the GET if the developers set aside at least 50% of the rental units for households earning less than \$50,000 a year.

"Mr. Speaker, in our consolidated plan, Action Plan 203, they identified that the greatest need for housing, 50% of them, fall within 80% and below of the federal poverty level. That's what we're addressing, Mr. Speaker. There's other items in that area but I want to move on to public housing and homeless, where it requires HCDCH to offer decommissioned low-income public housing profits to non-profit organizations for rehabilitation into transitional or emergency shelters for homeless or low-income rental units. It allows non-profits to rent the property for \$1 per year for a period of up to 99 years.

"Mr. Speaker, in the district of Waianae, we have 60 units. It's called Ulu'wehi. They've been left fallow for over 10 years now. And there's many other units that decommissioned. I think that we can rehabilitate it because there is a sheer emergency for housing. The Representative from Waianae and I are looking at trying to rehabilitate those 60 units because we have about 30 families that are camping out in the parking lot at HCAP. And every day we're getting calls. What are we doing with this parking lot?

"Mr. Speaker, we need to look at solutions. Anybody can look at the problems and we want to be the leaders that look at solutions. Those rehabilitated projects can be rehabilitated to address the needs that we have right now that we got to deal with.

"In the aspect of affordable, moderate-income ownership housing, it encourages private development of affordable housing for moderate-income households earning approximately \$92,000, that's the 140% of the federal poverty level, who can afford to purchase a home priced around, and I know this is way beyond affordability of what they can afford, a home priced around \$380,000. This bill would exempt such a housing project from zoning ordinance and compliance with other State and county rules in order to expedite such projects. And if we can get those people into their homes, we would free some rentals up to address the areas that we want to address.

"Now, the previous speaker spoke about the fourth part of this bill, the separation of HCDCH. She's absolutely right. We've already consolidated, and I've heard on this floor ..."

Representative Takai rose to yield his time, and the Chair "so ordered."

Representative Kahikina continued, stating:

"Thank you, Vice Speaker. I've heard many a times when I first got elected, that government was too big. That we should downsize government. So now we have downsized government. But Mr. Speaker, this agency is a troubled agency. It's troubled by HUD on the federal level. And that troubled agency, your Chairman is concerned that if the federal government should take over this agency that a lot of the assets might be connected with it. So, we're looking at ways where we can at least preserve our assets if that would happen, and I'm hoping that it doesn't. I have confidence in HCDCH and all of us working together that we'll take this agency from being a troubled agency and make it second to none. But in case it does, we're considering how can we break this thing up so that we can lessen those assets going to the Feds. So I appreciate the concerns."

"Mr. Speaker, the housing issue is nothing simple. There is no one answer. As many speakers have identified the 3 major areas: the land, the cost of the material, and the labor costs. Those are the 3 drivers. And if we can address those, and many of these bills are looking at addressing those issues, we can get at least a little finger on trying to do something."

"Mr. Speaker, I'm just as frustrated as every one of you sitting here, of just talk, talk, talk. We want to do something. I believe that this vehicle at least put us in the driver's seat and the car is running. All we need to do is put it in gear and we can go. Mr. Speaker, I urge you and our colleagues to support this measure. Thank you."

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

"Just in support with reservations. I'm glad that the previous speaker mentioned that it's still kind of a work in progress to see if this thing's going to work. My previous analysis of the structure and how the affordable housing will be built in terms of how many will be very low-income and medium-income, etc. It's not really going to work the way we'd like it to."

"It's going to take longer for us to develop the homes because in talking to the developers that we were hoping to step forward to build these homes they said, no way. We're going to lose money. We're making lots of money now making other houses. Why would we want to do this project?"

"So it's my hope that we do sit down with the developers so that they can pay for the prevailing wages that we voted for in the previous bill, as well as pay for the cost of building a good solid foundation and not some of the cheap homes that we have built in the past that eventually break down and we have to demolish. Thank you."

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

"Thank you, Mr. Speaker, in opposition. This bill contains a tax increase. It increases the conveyance tax on higher priced properties. The conveyance tax is going up in the sense of the revenue that's being drawn from the tax. The tremendous rise in the real estate and the property market in Hawaii means a lot more money is coming into the conveyance tax. I think that we

can take the increase that way and not also raise rates. Thank you."

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

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, thank you for allowing me to provide additional comments. Another aspect of this bill that I am concerned with is the increase of the conveyance tax. Increasing taxes on the sale of homes is the worst thing to do while our economy is thriving because of the increase in the selling of homes. We have already experienced an increase in the collection of the conveyance tax because of the thriving housing market and this was done without any tax increases. Adding a tax now could potentially damage the market as well as make the competition for lower cost housing more competitive because the conveyance tax would be lower."

"I am also concerned, Mr. Speaker, that raising the conveyance tax for homes over \$600,000 is falsely punishing the large Filipino families in my district who choose to live in larger homes so that many family members can live together. This allows them the opportunity to continue family traditions of each generation taking care of the next. Many members of these families do not make a lot of money individually, but together with 6 incomes or more, they can qualify for these larger homes. This therefore goes against comments made in committee that we are taxing the rich who can afford this tax increase."

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

Representative Ching's written remarks are as follows:

"The 201G –118 HRS enables affordable housing projects to by-pass certain county permit processing, fees and standards. This bill would amend this section by setting parameters on eligible projects. The 201G program is one way that private developers can use market-priced units to help subsidize the cost of delivering units to lower income households. My concerns are by adopting the proposed limit, this type of mixed housing developments will no longer be eligible, so rather than encouraging more affordable housing, this proposal discourages it."

"In addition, Part V, Section 20 would split the functions of the current HCDCH. This would have a serious impact of delaying focus on the creation of affordable rentals during the one to two years it would take to create these new administrative agencies and processes."

"Another flaw is the increase in conveyance tax. The conveyance tax was originally enacted to defray the State's cost incurred in recording land titles. The conveyance tax was never designed to raise large amounts of revenue and is an unreliable and inequitable funding source that fluctuates with the level of real estate activity. An increase in the conveyance tax would be inequitable because:

1. The tax applies whether or not any gain is realized on a sale.

2. The tax does not apply to personal property transfers such as the sale of stock in real estate holding companies, or sale of interest in real estate partnerships and limited liability companies.

3. The tax applies only to those properties that are conveyed at any given time, which makes the real property tax a more equitable method to tax general increases in real property values.

"In order to address the housing crisis in Hawaii, we need to create opportunities that would result in more housing units being built. We should consider language that will support the development of affordable units."

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

"Thank you, Mr. Speaker, in support. The tax increase again is a recommendation by the Affordable Housing Task Force. We also have the lowest conveyance tax presently in the nation.

"In regards to breaking up HCDCH, that's also a recommendation from the task force. I just wanted Members to know that. Thank you."

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

"Mr. Speaker, I will be voting no and just to point out that my understanding is the conveyance tax, without raising it, has increased \$5 million in the past year. 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. 1303, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 46 ayes to 5 noes, with Representative Fox, Marumoto, Meyer, Moses and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 965) recommending that H.B. No. 994, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 994, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"On 965 Mr. Speaker, I'm going to rise in support with reservations. It's not 'wimpy Republican.' It's 'wise Republican', Mr. Speaker. The reasons I have concerns about this measure is that it is in my district, it is a tax credit for the motor sports facility, which I am not opposed to but I think it's premature.

"I believe the Navy, in about a month, is going to decide on whether or not we get the aircraft carrier including the air wing at Barber's Point, which is Kalaheo. So again, you know, I think we're jumping the gun. We're trying to do it now. The folks have not been to the community in about 10 years. The last time we were at the community was when we had the base realignment and closure procedures, a good 10 years ago. They have not talked to the Navy. The Navy has not said no, which is true. That's what we hear in the Committees; that the Navy is not opposed. Well the Navy has not said no because they have not been approached and asked if they would say yes. And they're silent because we're waiting to find out what happens in the next month.

"I believe this credit is income tax and GET totaling \$50 million in aggregate. That's a very, very large tax break. Also, the previous proposal that came through last year and two years ago, they were looking at a land swap in Kunia to swap for the Parcel 9, which is at the intersection of the runways at Kalaheo. Unfortunately, that land in Kunia is ag land. It's prime ag land. Now DHHL would have no problems getting land in other places but of course, then we're taking prime ag land and I don't know if they would consider that a worthwhile swap.

"Also, at the current time, DHHL is garnering income from that Parcel 9; it's leased out and they get money. So with all those things taken in to account, I think it's very premature. It's a good thing that this bill has a date of 2099, because we really have to look at it more carefully. Thank you."

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

"Thank you, Speaker. I stand in opposition to this bill. In addition to the concerns that I have regarding the land use and the former speaker's comments about it being somewhat premature, I'm concerned because this particular bill really is obviously a special interest bill and I believe that they could build it without the credit. I know that there's a lot of extenuating circumstances. However, I think we need to be very discerning in the kind of judgment we make of this and I'll insert further comments in the Journal. Thank you."

Representative Berg's written remarks are as follows:

"I am against HB 994 because it asks Hawaii taxpayers to foot part of the bill for a special interest group, who offers us no guarantees. A \$500,000 tax break to go towards the building and opening of a motor sports facility at Kalaheo is being proposed, a facility that will supposedly bring in millions of dollars into the State every year by way of the tourist industry. It is also argued that the State would benefit because its law enforcement officers could use the facility for vehicle training.

"Although the arguments in favor of a State subsidized motor facility are somewhat compelling, I must vote against this measure because I am not convinced that drivers from all over the world will find Hawai'i an attractive and feasible sight for their races. I cannot in good conscience, use \$500,000 in taxpayer money that could otherwise be used to help businesses that would help move Hawai'i into an economy that is self reliant and not dependent on tourism.

"Those that introduced this bill have admitted that they could build a track that costs \$500,000 less, so not passing this measure would not kill the project altogether. Although a \$500,000 deficit would result in a facility that isn't as spectacular as it could be, given the choice of risking taxpayer funds or building a lessor race park, I would opt for the latter."

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

"Mr. Speaker, my issue with this measure is about parity. I'm in opposition of this bill and my opposition is based on parity. We the people on the Leeward side pay \$3,000 in impact fees for every house that we buy. It's unfair that businesses come there, although I'm supportive of the measure of the raceway park, I'm not supportive of the tax credit that they're asking for because those impact fees that we collect are for our infrastructure.

"So I won't be able to walk my district, tell my people, that we gave an income tax credit for these businesses but yet, we charged them impact fees. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition for the reasons given by the Representative from Kapolei."

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

"Thank you, Mr. Speaker, in support. This bill is to give a tax credit to provide investors for the construction of a portion of a new site-specific motor sports facility at Kalaeloa, Parcel 9.

"Under the BRAC 1993 Act, base closures, in Kalaeloa, Parcel 9 was approved as a motor sports complex and included in the United States Navy's final environmental impact statement and record of decision regarding the closure of Barber's Point Naval Air Station in 1999.

"The process included the review of business plans and financing plans by Department of Business, Economic Development and Tourism. Mr. Speaker, we can do one of two things and let me explain what the consequences would be of both.

"First, we can take no action and we will not have any tax credits because there will be no new construction, no new jobs, no new \$250 million dollar raceway to replace the existing track that is losing their lease. No place for our locals to race their vehicles. No opportunity to host some major auto races similar to those done in other parts of the world. And no opportunity to televise and promote Hawaii throughout the world during these races. Also, no additional employment and economic spin offs for businesses, especially in the Ewa area of the island. In other words, Mr. Speaker, simply put, no new revenues.

"Or, we can pass this measure, which would provide all of the above, while utilizing an innovative scheme that would award the investors tax credits only on the amount of new taxes generated, measured and certified by DBEDT and the Department of Taxation. The Departments will compute deposited generation of new taxes using their revenue generating models. Then, and only then, will investors be allowed to use the previously earned tax credits.

"This bill introduces accountability to the concept of tax credits. For the first time, the State has the ability to measure an impact before allowing the investors to claim a tax credit. The State will determine the amount of the allowable credit up to the maximum of \$10 million a year, until a credit is exhausted at \$50 million. This means that if no new taxes are generated as determined by the State's revenue generating model, that no tax credits may be taken.

"The entire burden is on the facility to demonstrate it has actually created new business. You can't take it, if you don't make it. This concept creates a perfect partnership between the State and the project. Ultimately the facilities projected to bring in more new visitors to Hawaii annually, than the Honolulu Marathon and the Pro Bowl. Today's *Advertiser*, Mr. Speaker, shows an article that the 2004 Honolulu Marathon, in December, pumped in an estimated \$90.7 million into our economy and generated \$7.2 million in State taxes.

"During major auto racing events, the majority of revenues will accrue ..."

Representative Magaoay rose to yield his time, and the Chair "so ordered."

Representative Chang continued, stating:

"The revenues will accrue to the community at large, not to the facility. Thirty percent of the attendees are expected to be visitors. Air travel, room nights, car rental, golf courses, restaurants, and shopping centers will be the beneficiaries as the visitors stay in these islands. With possible five major events a year utilizing the track, 47 weeks will still be available for local residents to use the track for recreation, including our police and emergency vehicle drivers to train within the complex.

"Auto racing, Mr. Speaker, is the largest spectator sport in the world. It's a global industry. Hawaii residents will benefit from this new opportunity. Thank you."

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

"Thank you, Mr. Speaker, briefly, in very strong support. First of all, Mr. Speaker, the motor sports facility will not attract pure investment because there will not be a favorable return on investment, as indicated by Chairman Chang. The benefit is really to the community on the basis of general excise tax and transient accommodations taxes that will be realized by people who would not come here if not for the racetrack events, and that will be a task for the Department of Business, Economic Development and Tourism to calculate based on models. It can even use checked off cards at the events so that people will have the opportunity to indicate whether they're from here or from distant shores and that card, or the enticement or the incentive to fill out those cards will be meaningful door prizes.

"Now getting to specifics. The Tax Department, I believe they understated the figures, calculated that for the first year the tax credit would be \$1.25 million and then \$2.5 million every year thereafter. That \$1.25 million in tax credit would only come as a result of proven calculations by DBEDT that they would be the generation of GET and TAT. And only then, will the \$1.25 million in tax credit be applied. Now, that would have to come from a total of expenditure of about \$26.5 million in actual sales made or hotel room expenses. Now, this \$2.5 million, it would mean that the figures would be double that or approximately \$53 million of total expenditures in the community from which that \$2.5 million would be generated as part of that tax credit.

"Now we all know that when money is circulated and expended in the community that there is a multiplier effect. So, actually what we're talking about is not an offset. The Tax Department describes this as a loss. It's really not a loss and we need to get that out of our heads because this is revenue neutral at the worst. But in fact, because of the multiplier effect, we can count on double, or at least double to really triple that amount of tax credit given as entering into the State's tax coffers.

"From our figures that we calculate based on a study made by a woman that worked for DBEDT, and did the studies when she was there. We calculate that the tax credit will be \$8.4 million in the first year of operation. Now that \$8.4 million would come from an expenditure of \$180 million. That's a lot of money, and when you talk about the multiplier effect, we're talking about not only the offset of \$8.4 million, but an additional \$17 million being included in the State coffers.

"Now as far as the \$50 million, it was just mentioned a moment ago that \$50 million is a lot of money, and it is. But realize, that that \$50 million in tax credits will not be given unless it can be demonstrated that the State coffers would be increased by \$50 million first as an offset. So, that would be revenue neutral. But to get that \$50 million tax credit would mean that there would have to be total expenditure of \$1.1 billion into the State's economy."

Representative Nakasone rose to yield his time, and the Chair "so ordered."

Representative Kanoho continued, stating:

"Thank you very much. So this is really a measure that taxpayers cannot lose. It represents a model that we should employ whenever we think about giving tax credits because it should be based on monies coming in and then the tax credit given. And this is what it is. It deserves favorable consideration. Thank you."

Representative Cabanilla rose to respond, stating:

"Thank you, Mr. Speaker. The testimony of my colleague from Kauai is very compelling. I'm in opposition with a recommendation that if this tax impact, I mean the advantages are so great, I would suggest that maybe that this just should go to Kauai, where they don't have infrastructure problems like we do on the Ewa side."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker, it is my second time. I just have to point out that the Navy states, that they never made a record or decision that this was going to the racetrack. That was just before the final record of decision. In the final record of decision, the land went to the Department of Hawaiian Homelands and they have the sale of the land right now."

"Additionally, we're talking about bringing in all these people. That's great just as long as you people do an EIS and come to the community and talk about it because right now it can take you 30 minutes to go less than 2 miles in Kapolei. I'll take you out there any time you want to go during the rush hour and you will see thirty minutes to go less than 2 miles. And this is right down the exact same road that they're talking about bringing in hundreds of thousands of visitors? I don't know how many. They haven't talked to the community. I don't make the decisions. My community needs to hear. 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. 994, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Berg, Cabanilla, Caldwell, Carroll, Evans, Fox, Halford, Lee, Luke, Morita, Takumi, Thielen and Wakai voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 966) recommending that H.B. No. 1141, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1141, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Fox voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 967) recommending that H.B. No. 1278, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1278, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 968) recommending that H.B. No. 1640, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1640, HD 3, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 969) recommending that H.B. No. 1536, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1536, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," passed Third Reading by a vote of 51 ayes.

At 4:13 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 236, HD 1; 1303, HD 2; 994, HD 2; 1141, HD 2; 1278, HD 2; 1640, HD 3; and 1536, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 970) recommending that H.B. No. 1378, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1378, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising to speak in opposition to H.B. 1378. In the interest of moving the agenda along, I'll just list the groups that oppose the bill. The Domestic Violence Clearinghouse, NaLoio, VOICES, Battered Women's Caucus of Hawaii, State Coalition Against Domestic Violence."

"I would ask that my remarks be placed into the Journal and I would share up a copy with them, with the Judiciary Chair, so that she will see what the concerns are. Thank you."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to HB 1378 HD1.

"This bill may make it unreasonably burdensome and difficult for individuals to obtain the protection of a temporary restraining order. The language in the bill allows supporting documentation like police records or medical records to accompany the petition for a TRO. However, this provision fosters a dangerous presumption that TRO petitions lacking such documentation are less credible and that the petitioners are therefore less deserving of protection. The reality is that it may

not be feasible to include such documentation as police records are not available to the public and medical records could take weeks to obtain. Furthermore, even if medical records could be obtained on a timely basis submission of these records could jeopardize the confidentiality of the petitioner's sensitive medical information.

"This bill also unduly impedes access to TROs by including the provision that both require findings of fact to be made prior to the issuance of a TRO, and allows decrees issued by a court in a divorce or child custody proceeding to supersede the orders issued pursuant to this bill. Many TROs may be improperly denied, based on the erroneous presumption that the petitioner was seeking the TRO to acquire leverage in a divorce or custody proceeding. The only avenue left for these petitioners to obtain a TRO would be to obtain an order from the court that is handling the divorce or custody proceeding. Thus, TRO access will often be limited to those with financial resources to fully prosecute a divorce or custody action.

"In addition, this bill substantially increases the complexity of the TRO issuance process. The bill fails to recognize that many individuals will be confused and uncertain as to what types of pending legal actions they will be required to disclose and may innocently and inadvertently fail to disclose some actions. Requiring such disclosure may discourage those most in need of a TRO from obtaining one. Furthermore, the bill does not specifically state the penalties for failing to make one or more disclosures.

"HB 1378 HD1 will also frustrate the TRO issuance process by requiring detailed written findings of fact in every case. Persons seeking TROs will therefore likely face delays in obtaining the order, during which time their safety is at greater risk.

"Lastly, the provisions that findings or rulings relating to the granting or denying of a protective order do not invoke *res judicata* or collateral estoppel may conflict with the Federal Violence Against Women Act's Full Faith and Credit provisions.

"HB 1378 HD1 adds confusion and complexity to the TRO issuance process. Most dangerous of all, this bill creates unreasonable barriers to TROs, thereby sacrificing the safety of abuse victims. In attempting to prevent fraudulent petitions for TROs, this bill has now made it exceedingly difficult to obtain a TRO for valid and bona fide reasons. For these reasons I oppose HB 1378 HD1."

Representative Evans 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 Hale 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 THE JUDICIARY," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Fox, Moses and Thielen voting no, and with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 971) recommending that H.B. No. 266, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 266, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"My apologies, Mr. Speaker, going back to 971. In opposition. This is eroding management rights. We've already negotiated several years ago, a reform in the civil service system. Expanding the amount of material that's negotiated in collective bargaining goes against that reform."

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. 266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Evans, Finnegan, Fox, Meyer and Moses voting no, and with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 972) recommending that H.B. No. 505, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 505, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like to add the bulk of my comments on H.B. 505 entered into the Journal. However, I just want to support and thank the Director of Human Services, Director Koller, for helping us to find an alternative source of funding for the adult residential care homes. Thank you."

Representative Arakaki's written remarks are as follows:

"My remarks are in support of HB 505, which asks for increase of the current level of care payments for Types I and II Adult Residential Care Homes from a maximum of \$521.90 and \$629.90 respectively, to as yet unspecified amounts. Further, HB 505 seeks to appropriate an unspecified amount of monies in FY 2005- 2006 to the Department of Human Services for the level of care payments for ARCH's.

"The current level of payments by the State to Type I and II Adult Residential Care Homes, hereafter referred to as "ARCH's" has not kept up the steady increase in the cost of living here in Hawaii. The last increase was \$50 in 1994, 11 years ago!

"The relevant federal and State rules and regulations are very stringent, calling for strict requirements, which are costly, as well as an increase in costs related to personnel and insurance. Each passing year the cost of operating our Care Homes has increased, without a corresponding increase in payments.

"The majority of ARCH residents in Hawaii are Medicaid clients. We believe that without an increase in the payments made by State, many of our ARCH operators will no longer be able to afford to care for our beloved elderly. This would truly be a tragedy not only for our elderly, but for their family members as well, who rely upon the compassion and loving care provided by our Adult Residential Care Home administrators/caregivers.

"We are in favor of a cost-of-living adjustment index built into the State's payment scheduled, which would hopefully result in payments being pegged to the Consumer Price Index (CPI).

"In this manner, we believe that fairness will be restored, and the integrity of the payment process will be insured.

"I am hopeful that this Body sees fit to pass HB 505 to provide a more fair compensation to the unsung hero's who unselfishly open their hearts and homes to Hawaii's frail elderly and physically challenged people at the current rate of approximately at 1.50 per hour, per resident.

"Our Adult Residential Care Home Operators provide an invaluable service to our communities and families that cannot be fairly measured in dollars and cents. But we do know that they save a lot more in providing that care. The services are not only provided in a home setting but with a warm, family atmosphere with care and understanding.

"We must acknowledge their value to our state and I hope you all agree to support, HB 505.

"Mahalo!"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 973) recommending that H.B. No. 59, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 59, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 974) recommending that H.B. No. 1304, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1304, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"On 974, I am speaking against this. This creates a task force to essentially prepare the ground for Hawaii's version of National Health Insurance. Testimony repeatedly referred to Canada as a model. As I think you're aware, Mr. Speaker, Canadians spend more money in the United States on healthcare than Americans spend in Canada, including all the money we spend on prescription drugs from Canada. Thank you."

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

"Thank you, Mr. Speaker. In support please, of 974. With all due respect to the Minority Leader, he's wrong. Straight up. This is not about Canada. The testimony did not focus on Canada. The point of 974 is to bring everyone together, and I mean everyone, to finally address this problem that we've got; 120,000 uninsured, a shortage of providers for primary care

purposes, a shortage of specialists, and also, a real shrinking revenue availability to take care of all the good people in Hawaii. So, I'm excited about this bill. We're going to make great strides to getting healthcare for everyone. Thank you."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. The Representative from Kona is welcome to sit in on the Finance Committee anytime we have testimony. There was clearly testimony referring to Canada and it was at length. Thank you."

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

"Yes, thank you, Mr. Speaker. I speak in favor of this bill very strongly. You know, the reference is that maybe we need National Health Insurance and I am for National Health Insurance. Unfortunately, our United States government has not given us health insurance. They've given us a war in Iraq and it's taking more money than this would take. So, if Hawaii can lead the way with a task force to solve the problem, I think we should all support it."

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. 1304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Fox, Moses and Stonebraker voting no, and with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 975) recommending that H.B. No. 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of Stand. Com. Report 975, H.B. 1. Mr. Speaker, about six years ago, I believe, Representative David Morihara was our Chair of Higher Education. We talked about doing a recodification of the Higher Ed statutes and it's taken us this long. But as you notice in the bill, in the preamble, we talk about the many people that we brought together in the last fall.

"However, there are a few that I'd like to, today, mention publicly; the people that have helped make this bill what it is today. First, the Chair of the Higher Education Committee and his staff, and the Chair of the Judiciary Committee and her staff did a wonderful job in the two House drafts.

"In particular, Mr. Speaker, some other legislative staff members that need our kudos are the following: Ken Takayama, Charlotte Carter-Yamauchi, and Dean Sugano from the Legislative Reference Bureau; Marc Nakamura and Keira Kamiya from the Senate Majority Agency; Wimmie Wong from the House Majority Staff Office; and two of my staff members who worked through this; Sandra Kim and Kendall Matsuyoshi. 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. 1, HD 2,



entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 976) recommending that H.B. No. 237, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 237, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

At 4:19 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:20 o'clock p.m.

At 4:21 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1378, HD 1; 266, HD 1; 505, HD 1; 59; 1304, HD 1; 1, HD 2; and 237, HD 3; passed Third Reading.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 977) recommending that H.B. No. 857, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Chang and Karamatsu voting no, and with Representatives Arakaki, Hiraki and Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 978) recommending that H.B. No. 359, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 359, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Hiraki and Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 979) recommending that H.B. No. 762, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 762, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WORKSITE TEMPORARY RESTRAINING ORDER ACT," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Hiraki and Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 980) recommending that H.B. No. 783, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the

Committee was adopted and H.B. No. 783, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Hiraki and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 981) recommending that H.B. No. 30, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 30, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Hiraki and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 982) recommending that H.B. No. 1111, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1111, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition on SCR 982. This is an attempt to erode and essentially actually, the bill calls for doing away with the Hawaii Hurricane Relief Fund. I think that's a bad move. Many people in good faith put money into the Fund expecting to see it go either for protection against or be returned to them and that's what we should do. Thank you."

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

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

"Thank you, Mr. Speaker, in support. Mr. Speaker, I was a member of the Consumer Protection and Commerce Committee during the 1993 Session when we passed HHRF. We were under a lot of pressure to enact a vehicle to protect the mortgage industry and to keep insurance companies in business in Hawaii.

"This is hardly a raid on HHRF. It's a matter of equity. Insurance rates are supposed to be based on risks. In this State we have risk zones for floods, *tsunamis*, lava, and earthquakes. We have never established risk zones for hurricanes. If you study hurricane patterns in Hawaii, ever since they've been tracked, there is a definite pattern. They approach Hawaii from the southeast. They avoid the Big Island and Maui because of the mountain masses. After they pass the Big Island, then they may turn north and they may make landfall in Leeward Oahu or Kauai. Over the years I have studied these patterns and talked with meteorologists, weather folks and airline pilots. They all confirm these patterns. A few years ago, there was a massive hurricane that approached the Big Island. The eye dwarfed the island. As in the past, the hurricane turned south when it got close to the Big Island.

"So what's the point? For years, residents on Maui, the Big Island, and parts of Oahu paid into HHRF. Yet we had little, or no risk. In my case, I live 30 miles inland, an elevation of 4,200 feet. I live on an earthquake fault. There is my risk. I have no hurricane risk, yet I had to pay into the Fund. Many people that live in lower Puna and Ka'u districts live in lava zones 1 and 2. High-risk zones. They have to get their

insurance through HPIA at very high costs. To add insult to injury, they also had to pay into the HHRF.

"Another thing that this bill does is to change the Fund from a direct insurer to a re-insurer. After we passed HHRF, Florida looked at our law, decide to make their fund a re-insurer, instead of a direct insurer. It gives them much greater coverage at lower risk.

"A few years ago, we invited the Chair of the Committee in the Florida House that deals with insurance, to testify here. He recommended the proposal that is reflected in this bill. The tragedy in Southeast Asia should have convinced us that we need to take a different approach to cover the cost of natural disasters.

There are a number of potential natural disasters that can hit this State besides hurricanes. If you ever received the under water maps of these islands and seen the underwater sea slides, you can understand the risk that we have from a major *tsunami*. Lava can impact both the city of Hilo and Kailua-Kona. Flows have regularly approached Hilo. We need to have a facility in place that can step in, back up the private insurance companies and keep them in place. We need to cover all natural disasters in this State, under one Cat Fund. And that's what this bill proposes. And incidentally, Mr. Speaker, I was advised that the Big Island had two major earthquakes today. Thank you."

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

"Thank you, Mr. Speaker. I will be voting no on this measure. To me, this measure has to do with misdirection. It's much easier to raid a fund called the Catastrophic Relief Fund.

"A number of years ago, the Hawaii Hurricane Relief Fund was under careful scrutiny by the voters of Hawaii. Here's my prediction, and may the record show that the Catastrophic Relief Fund as we're now creating, will be raided in the future whereas the Hawaii Hurricane Relief Fund would not be raided. That's the purpose of this bill; so that we can get the money."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CATASTROPHIC RELIEF FUND," passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Arakaki, Hiraki and Souki.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 983) recommending that H.B. No. 1448, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1448, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations because I'm a wise Republican. My reservations are that although this type of financial incentives is necessary to encourage and promote the installation of fire sprinklers, these tax deductions may have a negative impact on the State as each individual or corporate resident taxpayer may claim the credit.

"The bill is poorly worded, Mr. Speaker. The bill does not limit the credit on the per unit basis. Simply put, where a unit is owned by more than one taxpayer, each taxpayer that paid

for the system, or part of the system, will be entitled to claim the credit. This would allow multi-owner units to recover a greater amount of the cost over units owned by a single taxpayer paid by encouraging abuse of the credit by allowing a total amount of credit in excess of the cost of the system by having multiple taxpayers own a single unit."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, unlike most other tax credits that keep money in the pockets of businesses, this bill keeps people alive. The Department of Taxation raises some legitimate concerns about the language of the bill and those issues can be easily be corrected with technical changes on down the line. Fire fighters, the apartment association, the condo association; they all support this measure and they all speak for the people.

"Automatic fire sprinklers are a proven protection device that saves lives, reduce property damage, decreases injuries that prevent fires from spreading. The result is that residents in an estimated 300 apartment complexes built before 1975 stand to benefit from this bill. Each individual unit owner faces retrofit costs ranging from \$5,700 to \$21,000. We are not mandating anyone put in fire sprinklers. The bill only provides an incentive to those who want to make this substantial, capital, improvement investment. And on up until this point, all the arguments swarming around this issue have been based on costs. This bill simply tips the scales in favor of saving lives. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support with reservations. And just that the Representative from Kapolei made a good point of needing clarification in the bill. Thank you."

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

Representative Ito's written remarks are as follows:

"Mr. Speaker and Members, I would like to offer comments in strong support of this bill. HB 1448 creates an incentive for all homeowners in apartment and high-rise dwellings or single-family homes. In light of recent high-rise fires, this bill is necessary to protect the health and safety of all residents. Moreover, this bill would increase protection for our firefighters, who risk their lives everyday to protect us from safety.

"In buildings with no sprinkler systems the safety risk for firefighters increases three-fold. Automatic sprinklers save lives, reduce property losses and injuries, and prevent fires from escalating. This bill will encourage high-rise condo owners to discuss this option with their Association and residents.

"Mr. Speaker, members of the Honolulu Fire Department, Kauai Fire Department, Verizon Hawaii and the Hawaii Independent Condominium and Cooperative Owners testified in support of this bill. Additionally, the Hawaii State Fire Council made this bill a priority this legislative Session. Members, I urge your support for this bill. 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. 1448, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME

TAX CREDIT," passed Third Reading by a vote of 48 ayes, with Representatives Arakaki, Hiraki and Souki.

At 4:29 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 857, HD 1; 359, HD 1; 762, HD 1; 783, HD 2; 30, HD 1; 1111, HD 1; and 1448, HD 2; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 984) recommending that H.B. No. 1745, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTS TO THE LEGISLATURE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 985) recommending that H.B. No. 1123, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1123, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 986) recommending that H.B. No. 395, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 395, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'm rising to speak against the bill accompanying Stand. Com. Report 986. This is relating to the Patients' Bill of Rights. Mr. Speaker, I have some statements from Richard Miller, Professor of Law, Emeritus from the William S. Richardson School of Law. He has analyzed the bill, concluding that the bill is seriously flawed and will do irreparable damage to the rights of thousands of State and county employees, thousands of State retirees, and thousands of self-employed small business persons, not to mention federal government employees and many church workers.

"He states that H.B. 395 will deprive these citizens of Hawaii of the only truly effective, fair, affordable and proven means they have of contesting a health plan's denial of medically necessary treatment or medical benefits. I'm going to ask that the remainder of the comments be inserted in the Journal and my colleagues will have a chance to read these before we might be getting this bill back from the Senate, if it does even come back from the Senate.

"The problem addresses patients that need much more of a sophisticated cutting edge medicine. And if the Health Plan says no, they can't have this life saving, cutting edge medicine. Then the way the law states now, they have a chance to appeal that decision. If this bill becomes law, they won't. It's a very serious situation for the few who really need the cutting edge medical care and I wish, I would really urge my colleagues to read this. I don't know how the bill got this far. I just don't know how it made it. I'm thinking that it came out of Finance, which is not exactly medically related. But I'm not sure if it went through Judiciary as well.

"The point is we are going to negatively impact thousands and thousands of people in Hawaii. It may be in the best interest of the medical insurers; those companies. But, it's certainly not in the best interest of those patients who need the cutting edge medicine. Thank you."

Representative Thielen's written remarks are as follows:

"Professor Miller states in opposition to HB 395, HD 2:

"The vast majority of physicians' diagnosis and treatment recommendations are non controversial and are approved by most health plans. Most people are pretty healthy and do not require the cutting edge types of drugs, treatments, or medical services that can be enormously effective in treating serious health problems. But if you or a member of your family are one of the persons who has or may have a serious medical problem that can be diagnosed or treated with cutting-edge medicine, you should not be surprised to discover that your health plan rejects your physician's recommendation and denies you the diagnosis or treatment your physician believes is medically necessary. This will occur even though the particular diagnosis or treatment is approved by scientific evidence, by members of the medical profession in the particular specialty, or by expert testimony.

Until recently, Hawaii's Patients' Bill of Rights provided a highly effective and fair and affordable means of appealing such negative decisions to a three-person panel selected by the Hawaii's insurance commissioner. In a significant number of decisions that panel overturned such decisions even though the particular health plan had sent the decision to a so-called independent review organization which had agreed with the health plan.

In HMAA v. Baldado the Hawaii's Supreme Court ruled that the external review provision of the Patients' Bill of Rights was in conflict with the right to bring a court case provided in the federal Employee's Retirement Insurance Security Act, known as ERISA, because it too closely resembled arbitration. In these cases, the Hawaii's external review was held[1] to be "preempted by ERISA" and thus invalid.

However, the decision in Baldado applied only to employer health benefit plans covered by ERISA.

But governmental health plans, such as those provided by the State and Counties, governments to their employees and retirees, are specifically excluded by federal law from ERISA! As to them-and that includes the health plans of many thousands of State and County workers and retirees, myself included-the external review provision is entirely valid and does not need to be replaced!

The same is true of health plans by individual persons who have no employees. *By passing HB 395 you will be depriving all of these health plan members of what has turned out to be the only affordable and effective way to test the legality, under the medical necessity provisions of our Patients' Bill of Rights and Responsibilities, of a decision by their health plan denying them medical treatments, services or drugs recommended by their own attending physician!*

Do not be deceived by arguments that equal protection of the law under the Hawaii's or U.S Constitution does not permit different treatment for ERISA and non-ERISA plans. That is just not true.

Do not be deceived by arguments that using an independent review organization selected by the Insurance Commissioner will assure fairness, since the findings of these

IROs in these bills is final and not subject to the Administrative Procedure Act or to the appeal to Circuit Court which is available under the current Patients' Bill of Rights, both of which are designed to assure due process and fairness.

Further, you should know that the unfair provision making the adverse decision of an external review binding on the member and not subject to appeal to the courts, such as appears in Section 432E—A(c), will in my opinion be preempted by ERISA and held invalid if the plan is an ERISA plan.

Do not be deceived by the argument that patients can resort to arbitration as provided in the health plan's Guide to Benefits. Under the arbitration provisions the plan member, the patient, must share the costs of the arbitrators' fees. In most cases these costs will exceed the value of the medical treatment or service that the plan refused to provide, and these costs will be prohibitive for most situations.

Do not be deceived by the argument that the plan member can sue the health plan, because not only would the costs of suit likely be prohibitive and exceed any benefits the plan member might expect, but most of these bills make the decision of the I.R.O. final and binding on the plan member. As a result, a court would simply uphold the I.R.O. finding.

My experience and my observations lead me to be convinced that the current external review provision of the Patients' Bill of Rights is an extraordinarily fair and economical way of testing (1) whether health benefits are "medically necessary" as required by our law and (2) whether the denial of such benefits was justified under our law.

*There is no good reason to remove the right to the currently permitted external review for the thousands of State, County and other governmental employees and self-employed business persons with non-ERISA plans who would lose such an important right. To make such a change will only satisfy the desire of too many of our health plans—which after all much like insurance companies—to remove all important constraints on their right to deny benefits for their own financial benefit. As I mentioned above, in most cases these denials relate to relatively new and very often highly effective treatments approved by governmental agencies, by scientific evidence, or by knowledgeable medical professionals.*

Please do not pass HB 395. It would be unforgivable to pass a bill which deprives all state and county employees and retirees of a perfectly fair, affordable, and effective means of contesting denials by their health plans

[Note:] [1] Unnecessarily in my view."

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

"Mr. Speaker, I rise in support of this bill. I just wanted to clarify some of the statements of the previous speaker, primarily, because I don't think that this will affect thousands of people.

"When asked of the Department of Commerce and Consumer Affairs, the Insurance Commissioner, who previously had the review procedure prior to it being struck down by the Hawaii Supreme Court, he indicated that perhaps there were a dozen, or a couple of dozen that were pending before him.

"The problem really arises between those claimants or those people who will be seeking medical coverage that are under an

ERISA-based plan versus those that are not. I think right now the Supreme Court case, what it did was it struck down anybody that potentially could be covered by ERISA. So that really is the people that are going to be covered under private insurance plans. Really, that's the primary issue and what the Supreme Court was very clear about in its decision was we needed to look at a procedure that set up some kind of external review procedure that wasn't going to be perceived as an adjudication because you couldn't do that under ERISA. So that's really what the bill is struggling with.

"And it's specifically has a defective date because I think both committees, the Consumer Protection and Judiciary Committees of which the prior Representative is a member of, when it came for decision making on February 14, 2005, we specifically recognized that there's multiple complex moving parts in this measure. And that's why we put a defective date to continue discussion because if we don't, if we don't have a bill, what will happen is these people that could not get reviewed through the process that was struck down by the Supreme Court will be left to only go to the courts in order to seek their relief. And that is a worse situation because all of these people, those thousands of people that are non-ERISA based that are out there and do potentially want to seek cutting-edge medical treatment, right now only will be able to go through the court system. Thank you."

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

"I'm sorry, Mr. Speaker. The Kailua flu is getting to me. Mr. Speaker, Professor Miller anticipated this sort of argument and he stated that in HMAA v. Baldado, the Hawaii Supreme Court ruled that the external review provision of the Patient's Bill of Rights was in conflict with the right to bring a court case provided in the Federal Employee's Retirement Insurance Security Act known as ERISA because it too closely resembled arbitration. In those cases, and just in those cases, the Hawaii external review was held to be preempted by ERISA and thus invalid.

"However, the decision in Baldado, applied only to employer health benefit plans covered by ERISA. But government health plans such as those provided by the State and counties government said that their employees and retirees are specifically excluded by federal law from ERISA. As to them, and that includes the health plans of many thousands of State and county workers and retirees, the external review provision is entirely valid and does not need to be replaced.

"By passing House Bill 395, you'll be depriving all of these health plan members of what has turned out to be the only affordable and effective way to test the legality under the medical necessity provision of our Patients' Bill of Rights and responsibilities of a decision by their health plan denying them medical treatments, services or drugs recommended by their own attending physician.

"I spoke to one of those individuals, Mr. Speaker. He is vehemently opposed to this bill. And were this bill to have passed, he would not be alive today. So I think that there are serious problems with this legislation. I would urge the Floor Leader to contact Professor Miller and to have an open discussion with Professor Miller, who as I mentioned is a Professor Emeritus of our law school in Hawaii. And if he would have an open discussion with him, I think what we might end up with is either a better bill or no bill at all. And I'm advocating for the latter. 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. 395, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE

PATIENTS' BILL OF RIGHTS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 987) recommending that H.B. No. 165, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 165, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EAST KAUAI IRRIGATION SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 988) recommending that H.B. No. 330, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 989) recommending that H.B. No. 1360, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1360, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Magaoy's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of HB 1360 House Draft 2. This bill authorizes the issuance of general obligation bonds for the College of Tropical Agriculture and Human Resource at UH Manoa for the planning, design, and construction of Waialua Agribusiness Incubator. Agriculture and its associated businesses provide over 38,000 jobs and contribute more than \$2.4 billion to the State economy. I believe an agribusiness incubator will help to foster the development of more agribusinesses in Hawaii. At the same time, Waialua and the North Shore would benefit from a revitalization of agriculture, provide education in entrepreneurship and create job growth. Waialua could become the 'Silicon Valley' of agriculture giving birth to innovations in agriculture production and products.

"The National Business Incubator Association reports that 87 percent of enterprises developed in an incubator environment survive their first five years, compared with only 25 percent of those developed without the benefits of incubation. An incubator helps its clients address the major factors that cause new businesses to fail: lack of capital, unrealistic marketing objectives, poor management skills, and isolation from other entrepreneurs and professionals. I strongly believe the expertise of the University of Hawaii's College of Tropical Agriculture and Human Resources, Dole Food Company's land and the proud tradition of agriculture in Hawaii combined will guarantee success for the Waialua Agribusiness Incubator. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1360, HD 2,

entitled: "A BILL FOR AN ACT RELATING TO THE WAIALUA AGRIBUSINESS INCUBATOR," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 990) recommending that H.B. No. 1331, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1331, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR JACOBY DEVELOPMENT INC.," passed Third Reading by a vote of 51 ayes.

At 4:38 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1745, HD 1; 1123; 395, HD 2; 165, HD 2; 330, HD 1; 1360, HD 2; and 1331, HD 1; passed Third Reading.

At this time, the Chair stated:

"For the edification of the Members of this House, I must admit to you that even though we started at 8:30 this morning, the Senate has already recessed for the evening. So they're all finished at 4:40."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 991) recommending that H.B. No. 1434, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1434, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. A quick no to House Bill 1434, House Draft 3. This gives Hawaiian Electric Company, HECO company, a lot of 'wiggle room', thereby undercutting Act 95 and our objective of reaching 20% renewable energy by the year 2020."

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

"Thank you, Mr. Speaker. I also rise in opposition to this bill because I believe that it returns us to Act 95 and I'll insert comments in the Journal," and the Chair "so ordered."

Representative Berg's written comments are as follows:

"I am in opposition to HB 1434 because it takes us backwards rather than forwards in terms of renewable energy and in terms of creating a Hawaii that is self reliant and environmentally sound. In 2001, the State took a positive step in the direction of finding and utilizing alternative and renewable energy sources when a bill was passed which requested that electric utility companies produce a certain percentage of electricity sales from renewable energy sources. In 2004, the State went even further and changed from a request to a requirement. In 2005, eight percent of net

electricity sales are to come from renewable energy sources. In 2010, the number jumps to ten percent. By 2020, twenty percent of net electricity sales of all utility companies must come from renewable energy sources. It would be absolutely astonishing to have twenty percent of all electricity sales come from alternative energy sources in a little over fifteen years!

"I stand against HB 1434 because it is a measure that takes a giant step back in terms of sustainability and self reliance. It offers utility companies a way out of meeting targeted standards by using the language of disaster, of events "beyond the control" of utility companies. Although I do understand and acknowledge that the future is not predictable, that there may be events which could prevent electric companies from meeting the standards set out in the renewable energy portfolio, lawmakers should deal with such instances when and if the time comes. We should certainly not begin to dismantle our goals, in terms of renewable energy, when there is no justifiable reason at the moment. HB 1434 seeks to do just that."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1434, HD 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 992) recommending that H.B. No. 784, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 784, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise to vote no on Standing Committee Report 992 and I have a few comments.

"First I'd like to say that I have the utmost respect for the introducer of this bill and my colleagues. But today I am torn because House Bill 784, HD 2, is a measure that is requesting one-third of the cable franchise fees paid in connection with the cable television service in Maui County to go to Maui Community College and the Department of Education to provide educational programming. I am supportive of Maui Community College and the Department of Education. I think that their educational programs are deserving of this money.

"What I am sad about is that this measure has divided the community and there is fear among community members especially in the rural communities such Haiku, Hana, Lanai, and especially Molokai, which I represent. That their freedom of speech and access to the community television programming will no longer be, should this measure pass. The rural areas depend and utilize Akaku Community Television. It provides an avenue for our community to freely express their views on issues, as well as keeping our residents informed on community events, meetings and government hearings, etc.

"The rural communities rely heavily on our community television programming especially during times such as the

elections, county council meetings, community meetings, and even when we are in session like today.

"I want to explain to you, that if this measure passes, how it will impact the island of Molokai. On Molokai, we have the Akaku Molokai Media Center which works in partnership with other on-island agencies including Maui Community College and the Department of Education to achieve public educational and government access.

"The Akaku Molokai Media Center serves as the MCC Molokai Educational Center's media facility for its TCOM 190 Intro to Video Production course in a highly successful partnership program. This is the only video media course offered at MCC Molokai Educational Center and it would not be possible without the cooperation of Akaku Molokai Media Center and usage of their facility and equipment. The Akaku Molokai Media Center has brought in-school video training to students that DOE could not provide.

"Furthermore, the Akaku Molokai Media Center is a satellite facility in an underserved community. If this measure passes and Akaku's funding reduces, it is most likely that Akaku Molokai Media Center will be the first to be eliminated.

"Finally, I need to clarify that I am in support for more funding for the Department of Education, MCC and the County for media related purposes. I support their programs and their needs as there is clearly an overall lacking of funding dedicated to media related education, access and awareness in the County of Maui.

"As a solution perhaps, we need to look at another funding mechanism which can be applied to help solve the larger issue at hand, which is the overall lack of funding for media-based programs in Maui County. For these reasons, I must oppose House Bill 784. Thank you."

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

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

"Thank you, Mr. Speaker. No and I'd like to incorporate the words of the Representative from Hana as my own, and just to briefly comment further, Mr. Speaker. These funds in question or dispute if you will, these PEG funds are really a tax. The question is how is this tax going to be divided up among these entities. All of whom I hope would get more funding in any case whether there's this dispute or not.

"If this bill included compensatory funding for Akaku so that they would be fully funded, I'm not particularly attached to this particular tax or the division of this particular tax. But I am appreciative of the work that Akaku does and the value that they bring to our community. So if we were providing compensatory funding, I would not be so very interested in how this particular PEG fund was divided up. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. I believe this bill sets precedents that we don't want. And by sharing limited resources to provide comprehensive broadband media access services more effective and efficient delivery is possible. And I request that the words of the Representative from Maui and Molokai be entered as my own," and the Chair "so ordered." (By reference only.)

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

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

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

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

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

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

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

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

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

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

Representative Kahikina 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. 784, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Arakaki, Berg, Cabanilla, Carroll, Ching, Evans, Green, Hale, Halford, Meyer, Morita, Moses and Shimabukuro voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 993) recommending that H.B. No. 1723, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1723, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 994) recommending that H.B. No. 1132, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1132, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm in opposition to this measure. It's not that I'm in opposition to the Department of Education or

the CIP projects, which this bill seems to address, however, it's the way it appropriates the funds. It appropriates funds from the general fund in order to create a new revolving fund, a special fund, for the purpose of paying for the employees who carryout the construction projects managed by DOE. As with any other revolving fund, the authorization funding is replaced each year from the general fund before any appropriations are made.

"The bill also provides that the administrative control of the Educational Facilities Improvements Special Fund would be moved from DAGS to DOE.

"Now, this bill means Mr. Speaker, that the DOE would not have to budget for employees who are working on DOE/CIP projects which would otherwise be the case under Act 51. The measure is objectionable because it would force the continuation of the practice of utilizing project-funded positions. Therefore this would be obscuring the transparency that is so deserved by the people."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Halford and Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 995) recommending that H.B. No. 5, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 5, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 996) recommending that H.B. No. 1739, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1739, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 997) recommending that H.B. No. 1060, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1060, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to speak in opposition on Stand. Com. Report No. 997, please.

"Thank you, Mr. Speaker. This bill handcuffs DHS from operating efficiently and effectively in the name of transparency. DHS opposes this bill because it proposes a process that is unmanageable, fiscally unsound and injurious to our vulnerable Medicaid customers.

"But with the direction that we're heading on, this is to pass this bill, so I would like to make a couple suggestions. Using the definition of transparency, which is equivalent to

micromanagement, I'd like to go ahead and ask that in section 2 of this bill, that we list the two standing committees, one at least being the Human Services Committee. As well as changing the words, 'the joint committee may conduct legislative hearings,' to 'shall conduct legislative hearings,' because if I remember correctly, this was supposed to be used in order to hear the communities' and stakeholders' concerns. Thank you."

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

"Mr. Speaker, in support. The intent of this bill, H.B. 1060, is not to handcuff the Department. It does not present the unmanageable. It will not be an unmanageable task for them to perform what's being requested by the bill. This bill deals with 175 individuals that are covered under the Medicaid program at a cost of almost a billion dollars.

"We the Legislature are not the first to introduce such a bill to look at how this money is being managed, how the clients are being served. I think it is good public policy to have some control or some oversight in how this money is being spent. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Rising again in opposition. I don't mind oversight, Mr. Speaker. This is prior approval. I think that's two different things. 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. 1060, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

At 4:52 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1434, HD 3; 784, HD 2; 1723, HD 2; 1132, HD 1; 5, HD 1; 1739, HD 2; and 1060, HD 2; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 998) recommending that H.B. No. 36, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 36, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 999) recommending that H.B. No. 1583, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1583, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1000) recommending that H.B. No. 338, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 338, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Briefly. I'm in opposition. This is having to deal with mandatory meal break. I can just see a bus driver right now. It's time for his meal break. He has to stop. All his passengers get to watch him eat. Or we can have another bus driver standing on the corner waiting to jump in the bus or just send another bus to remove the passengers. I don't know how this works. In a lot of cases we need some flexibility in this 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. 338, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Evans, Finnegan, Fox, Marumoto, Meyer, Moses and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1001) recommending that H.B. No. 761, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 761, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker and Members, I stand in strong support of HB 761, HD1, regarding family leave for military family members. Mr. Speaker, this bill pays tribute to the mothers, fathers, wives, husbands and children of our military members. More recently, due to the ongoing crisis in Afghanistan and the Middle East, members of our Armed Forces, National Guard and Reserves are called up for duty on short notice, giving their families and friends little time to prepare for long deployments.

"This bill will assist families in preparation for their loved one's overseas deployment and make it easier for them to cope with their time apart.

"Mr. Speaker, strong support of this bill was received from the Hawaii National Guard Enlisted Association, Department of Human Resources Development and Department of Labor and Industrial Relations.

"I ask for your support on this measure to honor our men and women who have made sacrifices for all of us. 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. 761, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1002) recommending that H.B. No. 1134, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1134, HD 2, pass Third Reading, seconded by Representative B. Oshiro.



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

"This has to do with the minimum wage, raising the minimum wage. I'm rising in opposition.

"While this House Draft 2 is certainly a lot better than House Draft 1, I'm still concerned because with some of the good amendments that were made in Finance, the one that I didn't agree with at all was taking the tip credit which is helpful to restaurateurs back down to what it is now in the statute which is 25 cents.

"I think restaurant workers make up a large percentage of minimum wage workers. And they are obviously not working for minimum wage. Many of them are making tips. They're making more like \$20, \$25 an hour. And Hawaii has the lowest tip credit in the country. A lot of states pay up to \$2, some as much as \$3 on tip credit and we have this 25 cents tip credit. So an increase in the minimum wage really socks it to the restaurant industry. And I think this bill should certainly as it moves along, those that are in a position to draft changes should look at that.

"The other problem I have with minimum wage is that all the studies that I've looked at show that when the minimum wage is raised, the people in the lowest level, with no experience who need a job the most are hurt the most. Because it becomes more and more expensive to hire them on, to train them and see how they work out. So for those reasons, I'm voting no. Thank you."

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

Representative Ching's written remarks are as follows:

"By raising the minimum wage we are not effectively helping our working families in poverty. The Administration's proposal to raise the standard deduction so that low wage earners can substantially increase their take home pay makes more sense. Hawaii's standard deduction has not been adjusted in 20 years. What the employer sees however is the gross cost which includes workers compensation premiums, temporary disability insurance and unemployment insurance, all of which are based on how much the employee makes. As an example, the employer sees \$1.45 in costs: the employee only gets a \$0.67 paycheck. Any increase in wages automatically calls for a corresponding increase in fringe benefits costs however: because of the tax rates the employee only sees a very small increase in their net pay check. There are other means of supporting our minimum wage earners."

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

"Mr. Speaker, with reservations because of the lack of the tip credit. I feel all the legislation that we are passing today is more for the worker, for their benefit, so they could bypass collective bargaining and nothing for the employer, for business. 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. 1134, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGES," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1003) recommending

that H.B. No. 1528, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1528, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1004) recommending that H.B. No. 1606, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Third Reading by a vote of 51 ayes.

At 4:57 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 36, HD 2; 1583, HD 1; 338, HD 2; 761, HD 1; 1134, HD 2; 1528, HD 2; and 1606, HD 1; passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1005) recommending that H.B. No. 1773, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1773, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong opposition. This is the bill that is designed to handcuff the Director of Labor and Industrial Relations preventing him from doing his job. His job includes promulgating rules. Rules have been promulgated by every single director of Labor and Industrial Relations since 1963. There have been concerns raised that the Director is overstepping his bounds and therefore must be handcuffed back into a box so that labor can proceed to handle the Department of Labor and Industrial Relations as it used to.

"These concerns relate to the fact that the Director may be illegally proclaiming rules that really should be put into law. Mr. Speaker, we need to review the fact that every single rule has to be cleared by the Attorney General before it goes into effect. And the rules promulgated thus far by the Director of Labor and Industrial Relations have passed that screening as to legality that comes from the Attorney General.

"This is a really bad bill. We really should not be doing things like this today. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, in support. Mr. Speaker, it's unfortunate that this Legislature has been forced to do what we have to do by this legislation, which is to codify the existing worker comp rules that are currently in existence, because of what the Director of Labor and Industrial Relations has been attempting to do since February 8. And that is to basically try to implement new rules very similar to the legislation that he,

working with the Governor, introduced last Session and again this Session. In fact, both the rules and the legislation parallel each other in many, many different respects. And the question is raised: is the Director of Labor rulemaking or legislating? And it appears by the fact, by his own admission, that he put in legislation, that it is an attempt. He is attempting to do an end run around this Legislature and to legislate through rulemaking.

"We have no alternative given this. He's forced our hand. We could do nothing and have these rules implemented and then he has proceeded with legislating through rulemaking. Everyone in this Body has taken an oath to uphold the constitution of our State and our County. And I've mentioned this before. It's extremely serious. It's not a laughing matter. It does not matter who controls Washington Place and who's up on the Fifth Floor. We have examples from the time of Statehood, from Governor Burns, up through both Ariyoshi, Waihee, Cayetano, and now with Governor Lingle, where we've had this battle of separation of powers.

"We've heard the quotes from Marbury v. Madison. We've heard Justice Scalia talk about this balance of powers battle, about the interbranch conflict. It's very, very interesting to note that this same Body in 1979, when Governor Ariyoshi was the Governor and we had 42 members who were Democrats and 9 members who were Republican, even more Democrats than today, we implemented legislation that asked the Auditor to examine the rulemaking authority of the Executive branch and to find that where the Executive branch exceeded that authority, that we were to take away where they've exceeded.

"Now some people would argue that this is not partisan because the parties are Democrat. We had these battles even within our own party. You could look on the national level. Look at what FDR did when he was elected in 1932. He started his New Deal. He was frustrated by the Supreme Court that found many of his bills and legislation unconstitutional. After being reelected by even a larger margin, where the Congress was even more strongly controlled by Democrats, he tried to pack the Supreme Court of the United States. His own party in Congress drew the line and said this is going too far. And in fact, they passed legislation that undid what he was attempting to do.

"This is good for democracy. This battle between the various branches of government was set up by the founders for this very reason. And that's what we see taking place today. So anyone who says this is a handcuff, it's partisan. This is part of our job as a Legislature. And I think it's just a first step as this legislation moves forward.

"I wish we could have had a chance to work with the Director of Labor. He says he did reach out with different stakeholder groups. And in fact I have two letters I would like to submit for the record from two of the attorneys that he said he worked with. They both have confirmed that in fact while they were invited to a meeting, they had one meeting, and no meetings after that, and did not entertain any of their recommendations or suggestions. And yet he tries to wrap himself in those attorneys, saying that, 'I've reached out to them.'

"Again, Mr. Speaker, we have no other choice but to proceed with this legislation as unfortunate as it may be. Hopefully, next year, we can come back and look at what he is attempting to do and we can maybe undo it and get down to business by addressing true worker comp improvement. Thank you very much, Mr. Speaker."

Representative Caldwell submitted the following:

"ROBINSON & CHUR  
ATTORNEYS AT LAW

A LAW CORPORATION  
GENTRY PACIFIC DESIGN CENTER  
560 N. NIMITZ HWY.  
SUITE 209  
HONOLULU, HAWAII 96817

February 14, 2005

VIA FACSIMILE TO 586-8479

Representative Kirk Caldwell, Chairman  
House Labor and Public Employment Committee  
Hawaii State Capitol, Room 406  
415 S. Beretania Street  
Honolulu, HI 96813

Dear Chairman Caldwell:

Although I was not present at last Friday's hearings pertaining to workers' compensation bills, I have been advised that Director Befitel testified that there was a working group, or task force, of which I was a member, who assisted him in preparing the proposed administrative rule changes. I have heard from various sources that Director Befitel left the distinct impression that he received input from this working group prior to his formulation of the proposed amendments.

That is absolutely false. The working group in question, which was comprised of seven attorneys, two of which were claimant's attorneys (myself and Lowell Chun-Hoon), met on only three or four occasions. While we did discuss in detail a number of rule changes that we thought were appropriate, the working group lacked leadership and not one proposal was ever submitted to Director Befitel. Other than meeting with the working group at the very first meeting, at which no specific proposals were discussed, Director Befitel never met with the working group again and certainly never met or talked with me again.

Any impression left by Director Befitel that claimant's attorneys (or even defense attorneys, as far as I know) connected with this working group provided any input whatsoever to the proposed rule changes is absolutely wrong.

Please feel free to contact me for further discussion on this matter should you feel the need to do so.

Very truly yours,

ROBINSON & CHUR

/s/

David M. Robinson"

"KING, NAKAMURA & CHUN-HOON  
ATTORNEYS AT LAW, A LAW CORPORATION  
CENTRAL PACIFIC PLAZA-SUITE 980  
220 SOUTH KING STREET  
HONOLULU, HAWAII 96813-4539  
PHONE: (808) 521-8041  
FAX: (808) 521-8046

February 14, 2005

VIA FACSIMILE (586-6679)  
HARD COPY TO FOLLOW

Sen. Brian Kanno  
 Chair, Senate Committee on Labor  
 State Capitol, Room 202  
 415 South Beretania Street  
 Honolulu, Hawaii 96813

**VIA FACSIMILE (586-8479)**  
**HARD COPY TO FOLLOW**

Rep. Kirk Caldwell  
 Chair, House Committee on Labor  
 And Public Employment  
 State Capitol, Room 406  
 415 South Beretania Street  
 Honolulu, Hawaii 96813

Dear Senator Kanno and Representative Caldwell:

During the hearings held Friday, February 12, 2005 on various workers' compensation bills pertaining to the proposal of new administrative rules by the Disability Compensation Division, Department of Labor and Industrial Relations, I understand that in the House hearing reference was made to my participation on a committee of lawyers who were consulted about changes in the department's existing rules. In the Senate hearing, I understand reference was made to the fact that this committee of lawyers included attorneys who represent "large unions" or words to that effect.

I understand that there may have been some implication that by participating in this committee of seven lawyers that I endorsed the current rules proposed by the Department of Labor and Industrial Relations, Disability Compensation Division. In fact, I do not, and I prepared testimony on behalf of the ILWU Local 142 in opposition to the adoption of the rules, which was presented at the department's public hearing on February 7, 2005.

There was indeed a committee of seven lawyers which was asked to consider proposing changes to the administrative rules of the Department of Labor, Disability Compensation Division. We met approximately three times, discussed possible rule changes, but to my knowledge never filed any formal report of recommendations. I was the only attorney who represented any labor unions on the committee; one other lawyer represented claimants, and five other attorneys have practices representing insurance carriers or employers in workers' compensation. I have checked with two other members of this committee, and they have confirmed my belief we filed no recommendations on rules changes nor were we asked to comment on the current proposed rules by the Department of Labor and Industrial Relations prior to their being submitted for public comment.

While I recognize your committees have already taken action on the bills related to the administrative rules, I did wish to make clear to the legislature that what work was actually conducted by the seven lawyer committee had no direct relationship whatsoever to those rules proposed by the Department.

Very truly yours,

KING, NAKAMURA & CHUN-HOON

/s/

Lowell K.Y. Chun-Hoon"

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

"In support with reservations. I'm very pleased with some of the language that's in the bill. And if in fact it was a conflict between the Administration and the Legislative branch, it's a good conflict because I think some good stuff is coming out of it.

"My only reservation is saying that we want the Director to create rules that he deems necessary for and conducive to the proper application of the law. But now we've added language saying that no rules adopted or amended after January 1, 2005 pertaining to any workmen's compensation case arising under this Chapter shall have the force and effect of law. So we've actually taken away his power rule make. And my concern is if we do this, we may set precedents and we may look at other departments and actually do that with them. And I don't think that's really what the intent of what we want to do here. We do want to give our Director the authority to do what he needs to get his job done. Thank you."

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

"Thank you, Mr. Speaker. It's a vast difference between asking the Auditor to look into how some rules are handled and legislating a law that handcuffs the Director of Labor and Industrial Relations. I would just like to remind this Body of the various authorities that the Legislature has delegated to the Director of the Department of Labor and Industrial Relations. Under Chapter 386-35, negotiation benefit coverage; -25 vocational rehabilitation; -26 guideline and frequency of treatment and reasonable utilization of health care and services; -51 computation of average weekly wages; -1 the ability to rule the use psychologist; -21 medical care services and supplies; -71 duties and powers of the Director in general; -154.5 special assessments. All of these, the Legislature has delegated to the Director of Labor and Industrial Relations.

"Also if we look at the legislative history relations between the Legislature and the Director on the specific subject of workers' comp, we find that both in 1985 and 1995, there were specific efforts to try to make the workers' compensation process more efficient and cost effective. That's exactly what the Director is trying to do 10 years later and we are handcuffing him in his effort. Thank you."

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

"Mr. Speaker, in opposition. I want to thank the kind Representative from Manoa for the history lesson. I've learned a lot today. However, Mr. Speaker, I would like to agree with the speaker from Manoa, but a cynic would also say that because this is such a pattern that this Legislature has had of taking the powers away from anything Republican. For example, we've taken numerous powers away from the Governor. We attempted to take powers away from our Director of Human Services, our Director of Health, and now the Director of Labor who seems to be attacked a lot. I think we should not legislate, Mr. Speaker, because we're frustrated with the Administration. We should allow the Judiciary to do its job. I think our quest for a balanced government seems to be kind of uneven right now with Legislature having all the power. Thank you."

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

"Mr. Speaker, I rise in support of this measure. I'd just like to give a specific example for the Members' edification as to where the Director is really overstepping the boundaries of statutory authority. Specifically if you look at this bill and House Bill 1773, I think it's on page 26. What you'll see is

there's one section that has to do with 386-26, and that's really talking about medical care. It's a really, really important section because truly if you have an injured worker, what you want is to restore him or her to their capabilities so that they can return to work. And in the event they are unable to, then they need to be able to get the proper treatment and get the proper benefits. Because as we all remember, workers' compensation is a tradeoff. Employees gave up the right to sue, therefore employers get that benefit of knowing exactly what the schedule of benefits is.

"The concern really comes about by the proposed rules that were put out to the public on December 20, 2004. And I'd just like to read one specific part when it comes to section 12-15-32 and that has to do with the medical treatment that you can seek from providers. It specifically says, frequency and extent of treatment shall be in accordance with the *ODG Treatment in Workers' Comp Third Edition* issued by the Work Loss Data Institute. In addition the *ODG Treatment in Workers' Comp Third Edition*, the Director references Chapters 1 through 7. As an expression of disability management philosophy, that should be an integral part of the practice within the Workers' Compensation system.

"It goes on to say, the treatment guidelines adopted in this section are presumed medically necessary and correct. The presumption is rebuttable and may be contested by a preponderance of scientific medical evidence. This is specifically against the statutory authority because if you look closely at section 386-85, there are specific benefits for which the presumption applies. The word presumption is very closely scrutinized and has been going back and forth between the Intermediate Court of Appeals and the Hawaii Supreme Court. We see that in the *Korsak* case. We saw that in the *Bocalbos* case. We saw that in *Nakamura*. We've seen it many, many times in the last three to four years. And they've specifically held the presumption only applies to compensability and that's whether the injury is related to the conditions of employment. Nothing else. It doesn't apply to any other benefits. The Supreme Court has specifically stated that is the intent and purpose of the Legislature in creating Chapter 386.

"So when you put in the word presumption in rules, you automatically are exceeding your statutory authority. And that is why unfortunately, the Legislature needs to take such a drastic step to make sure that the Director of Labor, when we adjourn from Session, does not promulgate the rules because under Chapter 91, there are no specific timetables. There are no specifications that he has to incorporate the changes that were recommended at public hearing. There's none of those prescriptions. None of those assurances. And what would happen is if we adjourn in May and then he decides to promulgate the rules, these rules will be immediately subject to challenge and that I am certain, I'm very certain will be put under court challenge and that will only prolong claims. And all of the claims that are pending before the Department of Labor will thereby be extended for three to five years as they go up on appeal. And that's the last thing that an injured worker, an employer, or an insurance carrier wants, is a claim lasting five or more years. Thank you."

The Chair then stated:

"Thank you very much. I think we've had a lot of discussion on this particular issue. I think your votes have already been cast and everyone knows how they're going to vote so may we proceed on?"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," passed Third Reading

by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1006) recommending that H.B. No. 450, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 450, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1007) recommending that H.B. No. 500, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 500, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm supportive of Stand. Committee Report 1007, House Bill 500, HD 2, which is the Judiciary budget. I just want to point out that one of the major flaws in the budget. It does not contain any funding for the Kapolei Judiciary Complex. And as we know, we do not want to increase traffic problems on the freeway and without building this complex, that's all we're doing. We heard a lot of testimony in the Finance Committee. Couple of people crying quite a bit about how hard it is to get to the Court at 8:30 in the morning. And so they don't want to move out to the Kapolei Judiciary Complex because how could they get there at 8:30. Well it's pretty easy. They could leave here at 8:00 and be out there at 8:30.

"On the other hand, what about the thousands, many, many thousands, tens of thousands of people that live on that end of the island and they have to come to town at 8:00 or 8:30 in the morning. In order to get here by 8:30, they probably have to leave about 7:00. So what is better? Those tens of thousands coming here? Or some from here going there against the flow of traffic, or with it actually. It's easy, there's no traffic. Instead of us fighting our way here. Now the Judiciary has been planning this for a number years. There's land set aside. They want the money to proceed. And I'm very optimistic that when we come together in Conference Committee, we can get some money to start the Kapolei Judiciary Complex."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 500, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 51 ayes.

At 5:14 o'clock p.m., the Chair noted that the reports of the Committee were adopted and H.B. Nos.: 1773, HD 1; 450, HD 2; and 500, HD 2; passed Third Reading.

### THIRD READING

**H.B. 671:**

Representative M. Oshiro moved that H.B. No. 671, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"The purpose of this (Administration) bill is to authorize a (Hawaiian) homestead lessee who is at least one-quarter Hawaiian to designate a brother or sister who is at least one-quarter Hawaiian to succeed to the leasehold interest in the tract by amending the Hawaiian Homes Commission Act, 1920 (HHCA).

"The Department of Hawaiian Home Lands testified in support of the bill.

"Your Committee finds that Act 12, Session Laws of Hawaii 2002, amended section 208(5) of the HHCA to extend the transfer rights of a lessee who is at least one-quarter Hawaiian to a brother or sister in addition to a spouse, child, or grandchild who is at least one-quarter Hawaiian.

"However, authority to designate a brother or sister who is at least one-quarter Hawaiian as a successor to the leasehold interest was not included in the amendment. This bill will correct that oversight."

The motion was put to vote by the Chair and carried, and H.B. No. 671, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 48 ayes, with Representatives Berg, Caldwell and Nakasone being excused.

#### **H.B. 938, HD 1:**

Representative M. Oshiro moved that H.B. No. 938, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of H.B. 938, Relating to Child Protective Services.

"The purpose of this bill is to protect the best interests of children who are involved in the Child Protective Services system by:

- (1) Requiring the child protective review panel (Review Panel) to review child protective proceedings taken prior to or without a court order, upon the request of the child's family;
- (2) Adding to the Review Panel an individual who represents the interests of the family; and
- (3) Requiring decisions related to a review initiated by a child's family to be made available to the court.

"Your Committee has amended this bill by:

- (1) Defining the child's family members to include the child's parents, grandparents, and adult siblings; and
- (2) Making technical, nonsubstantive amendments for clarity and style.

"A concerned individual supported this measure. The Department of Human Services stated that it does not support this bill.

"HUS members voted with 7 ayes and 2 excused."

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

Representative Meyer's written remarks are as follows:

"I stand in strong support of HB938 HD1

"This bill will give the Child Protective Services Review panel some needed balance by including a member who represents the interests of the family of a child in CPS custody.

"This bill will allow the family to request the panel to review protective proceedings taken prior to or without a court order when the child's family believes that the child was wrongfully removed from the family.

"As it stands right now the panel doesn't include a person who has deeper knowledge of what's going on with the family and children. By adding a member of the child's family to the disciplinary review board such as a parent, grandparent, or adult sibling, that review board will have access to more pertinent information dealing with the family of the child.

"Children should not be taken from their parents when no real danger has been demonstrated. The trauma experienced by many children in foster homes can be avoided with the passage of this measure."

The motion was put to vote by the Chair and carried, and H.B. No. 938, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," passed Third Reading by a vote of 48 ayes, with Representatives Berg, Caldwell and Nakasone being excused.

#### **H.B. No. 1155, HD 1:**

Representative M. Oshiro moved that H.B. No. 1155, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On House Bill 1155, HD 1, I'm still in opposition as I was on Second Reading. And I would just ask if the Clerk could insert my remarks from Second Reading in opposition," and the Chair "so ordered." (By reference only.)

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

Representative Ching's written remarks are as follows:

"It is estimated that up to 10 percent of the population may be at risk for allergic reactions to medications. The annual incidence of anaphylactic reactions is about 30 per 100,000 persons. Individuals with asthma, eczema or hay fever, which are common conditions, are a greater risk of experiencing anaphylaxis. Having alternatives to traditional medicines allow for patients and their doctors to pursue options. We cannot dismiss the importance of maintaining a high level of training for alternative practices.

"The core curriculum for naturopathic colleges that are accredited by the national accrediting body, the Council on Naturopathic Medical Education, requires a minimum of 2900 hours of course work and 1200 hours of clinical training, which includes the administration of injections. By maintaining a strict discipline for administering new forms of medicines we are allowing the world of medicine to pursue various options that can possibly cure or shorten recovery from sickness or injury."

The motion was put to vote by the Chair and carried, and H.B. No. 1155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Fox, Meyer and Pine voting no, and with Representatives Berg, Caldwell and Nakasone being excused.

At 5:17 o'clock p.m., the Chair noted that H.B. Nos.: 671; 938, HD 1; and 1155, HD 1; passed Third Reading.

#### **H.B. No. 47, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 47, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Kawakami, Lee and Shimabukuro being excused.

#### **H.B. No. 973, HD 1:**

Representative M. Oshiro moved that H.B. No. 973, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"In opposition. This is special interest legislation designed to deal with a particular situation in a particular part of Hawaii."

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

"Mr. Speaker, I rise in opposition of this bill. I think this is part of legislation that we should address. There's a lot of consumer protection that needs to be addressed with these condominium property agents. And an example of this bill alone, it's written to remove conflict of interest on this bill and they've managed to amend, to even delete a minimum of two bids for managing contract.

"There are five condominium community associations in my district. They all charge very high association dues. Every now and then you see them fixing something that's not broken. They hold those reserves in the hundreds of thousands. And you don't even know how they're spent.

"And another example is that if you have a violation with their house rules, you don't even get the benefit of a fine. The next thing you know, you got a letter from a lawyer charging you hundreds of money for that letter. So I urge that this measure not be passed. Thank you."

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

The motion was put to vote by the Chair and carried, and H.B. No. 973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 41 ayes to 6 noes, with Representatives Cabanilla,

Finnegan, Fox, Halford, Meyer and Thielen voting no, and with Representatives Caldwell, Kawakami, Lee and Shimabukuro being excused.

#### **H.B. No. 1542, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Kawakami, Lee and Shimabukuro being excused.

#### **H.B. No. 785, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 785, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Kawakami, Lee and Shimabukuro being excused.

#### **H.B. No. 584, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 584, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Kawakami, Lee and Shimabukuro being excused.

#### **H.B. No. 169, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Kawakami, Lee and Shimabukuro being excused.

At 5:20 o'clock p.m., the Chair noted that H.B. Nos.: 47, HD 1; 973, HD 1; 1542, HD 1; 785, HD 1; 584, HD 1; and 169, HD 1; passed Third Reading.

#### **H.B. No. 1659, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Lee being excused.

#### **H.B. No. 125, HD 2:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 125, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Lee being excused.

#### **H.B. No. 1570, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1570, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE RENTAL HOUSING," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Lee being excused.

#### **H.B. No. 467, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRIMARY ELECTION DATE," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Lee being excused.

**H.B. No. 553, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 553, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Third Reading by a vote of 49 ayes, with Representatives Caldwell and Lee being excused.

At 5:20 o'clock p.m., the Chair noted that H.B. Nos.: 1659, HD 1; 125, HD 2; 1570, HD 1; 467, HD 1; and 553, HD 1; passed Third Reading.

**H.B. No. 806, HD 1:**

Representative M. Oshiro moved that H.B. No. 806, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm in opposition. I know we want to clear off the homeless and clear off the beaches, etc. I see a problem here that in order to do that, you must list all of the things that they cannot do. And if you forgot one of the things they cannot do and they do that, then you cannot remove them or have them taken care of by the police. And I can see now, some person is going to say, 'Well maybe you listed it but I couldn't read it.' So now we're going to get sued and have to make sure he can read. Or it will be at night and they'll say, 'You may have listed it but I couldn't read it because there was no light.' So you'll have to install a light at the park or the beach or wherever it is. So I just have problems with it. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 806, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Fox, Meyer, Moses, Stonebraker and Thielen voting no, and Representative Arakaki being excused.

**H.B. No. 1529, HD 1:**

Representative M. Oshiro moved that H.B. No. 1529, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Strong opposition. This is a bill designed to severely handcuff the rulemaking power of the Governor. One has to ask after looking at this bill if the Legislature now intends just simply not to have the Governor make rules but to just have the process of rulemaking run directly out of the Legislature.

"The Auditor is placed in a prominent role. You are placed in a prominent role. The Senate President is placed in a prominent role. And the process is designed to essentially transfer the authority of the Executive branch over to the Legislative branch. I don't think the Judiciary is going to look kindly on this kind of effort to redistribute powers delegated by the separation of powers which actually goes back two hundred

years and has been referred to earlier in this Body, the importance of the separation of powers. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and Representative Arakaki being excused.

**H.B. No. 1738, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1738, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY RESTITUTION," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

**H.B. No. 1237, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

**H.B. No. 1222, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1222, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses and Thielen voting no, and Representative Arakaki being excused.

At 5:24 o'clock p.m., the Chair noted that H.B. Nos.: 806, HD 1; 1529, HD 1; 1738, HD 1; 1237, HD 1; and 1222, HD 1; passed Third Reading.

**H.B. No. 429, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 429, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES ANNUAL CONFERENCE AND EXPOSITION IN HONOLULU," passed Third Reading by a vote of 51 ayes.

**H.B. No. 957, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 957, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1426, HD 2:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1426, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1459, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1459, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL

PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1498, HD 1:**

Representative M. Oshiro moved that H.B. No. 1498, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1498, HD1. The Upcountry Maui community is grateful that the Legislature provided funds for additional ambulance service based in Kula. They would like to see that 24-hour service continue, because of the relative isolation of our community.

"Upcountry is a widely spread community, and the ambulance range of coverage range extends from Keanae, sweeps south thru Kula and the summit of Haleakala. In terms of distance, that's a coverage area comparable to the distance from Hawaii Kai to Waiialua on Oahu. Ambulance crews face long distances and travel times. Proximity is crucial to ensuring adequate first response for medical emergencies.

"This bill would continue funding for that important 24-hour service. I urge my colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1498, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TWENTY-FOUR HOUR ADVANCED EMERGENCY AMBULANCE SERVICES FOR UPCOUNTRY MAUI," passed Third Reading by a vote of 51 ayes.

At 5:25 o'clock p.m., the Chair noted that H.B. Nos.: 429, HD 1; 957, HD 1; 1426, HD 2; 1459, HD 1; and 1498, HD 1; passed Third Reading.

**H.B. No. 1760, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1760, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 51 ayes.

**H.B. No. 733, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 733, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS," passed Third Reading by a vote of 51 ayes.

**H.B. No. 1162, HD 1:**

Representative M. Oshiro moved that H.B. No. 1162, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I think that this measure just makes it easier to hook our children on sweet tasting, good tasting alcoholic beverages. We're reducing the rate that they have to pay on certain beverages that are appealing to kids. It's

kind of like, I think my colleague will talk about the cigarettes that had an appealing name and were flavored. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm very much opposed to this bill."

Speaker Say: "Can we incorporate your testimony during Second Reading?"

Representative Thielen: "You can, but I'd like to use a line out of the *Music Man* and say, 'This is the first big step on the road to degradation.' That the thing that's even more critical about it is it's going to hook the kids on hard liquor. And I would like to incorporate my comments in opposition to this bill from Second Reading," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, in support. It's my first time speaking on this. I withheld from speaking on Second Reading so I would like to better describe why I introduced this.

"Basically this bill is a fairness issue for business. It will amend our liquor tax laws to make it fairer for the spirit cooler industry. Hawaii laws define each category of alcohol and tax and basically tax each category accordingly.

"I have noticed that a number of my colleagues have mentioned that this bill would encourage under-age drinking. First of all, underage drinking is illegal.

"Second, beverage companies do not promote underage drinking. Whether it's beer, wine, wine cooler, spirit cooler, beverage cooler, what not, they all don't promote underage drinking.

"Third, the spirit cooler industry only represents 0.5 percent of the beverage industry, thus the demand for this is very small or tiny.

"Fourth, even when underage drinking occurs, beer is the drink of choice. According to a study done in 2000, published in "Reducing Underage Drinking: A Collective Responsibility," more than one-half of males and more than one-third of females drank beer.

"Fifth, I disagree that a lower tax on spirit coolers would result in more underage drinkers drinking hard liquor. If I was to base my debate on purely assumptions, then I would say spirit cooler drinkers are diverse because spirit coolers such as margaritas and pina coladas tend to be drinks of choice for professionals and older adults over a nice dinner. Furthermore, there is a big difference between drinking hard liquor such as rum and tequila versus watered-down pina coladas and margaritas. Again if I were to base my debate on purely assumptions, I would say many spirit cooler drinkers drink pina coladas and margaritas because they do not like the harsh taste of hard liquor but spirit coolers taste better because they have sweeter flavorings.

"So lets stick to the real issue of whether Hawaii's liquor tax laws are fair for all liquor industries. In 1986, the Legislature enacted Act 344, which included the definition of "cooler beverage," as a wine cooler containing wine and more than fifteen percent of added natural or artificial blending material, such as fruit juices, flavors, flavorings, adjuncts, water, etc.,



and they also contains less than seven percent of alcohol by volume.

"Also included in the statute "cooler beverage" is malt beverage cooler, which contains beer, and just like the wine-based one, added natural or artificial blending of material, water, juices, etc.

"Basically, cooler beverages, which contains less than seven percent alcohol are taxed at \$0.85 per wine gallon, a little more than draft beer, which contains a little less alcohol than cooler beverages and are taxed at \$0.54 per wine gallon.

"Currently, spirit coolers are categorized with distilled spirits, where most of the hard liquor in that category contains twenty-four percent alcohol and above and they are taxed at \$5.98 per wine gallon. Spirit coolers on the other hand are in that category but they contain less than seven percent alcohol.

"So in 1986, the Legislature did not intend to tax wine coolers in the higher wine tax rates. Likewise, this legislative Body should not tax spirit coolers at the distilled spirits tax rate, which is way higher.

"Rather, spirit coolers are like wine coolers and malt beverage coolers because they are all watered down with juices, flavorings, water and contain less than seven percent alcohol. Therefore, like wine coolers and malt beverage coolers, spirit coolers should be included in the cooler beverage category and be taxed at \$0.85 per wine gallon.

"Mr. Speaker, at times, it is real interesting to see how we treat some of our businesses. They get criticized for using tax credits to leverage more investors to spend in Hawaii compared to what they would have spent without the tax credits. In this case, all the spirit cooler businesses ask is for a fair tax rate.

"I want to thank my colleagues on both sides of the aisle who appreciate the amount of taxes businesses bring to our State coffers and understand the challenges of running a business. Many of us believe in treating people fairly. Well, we should also treat businesses fairly. After all, they pay for a lot of our government services that we provide. Thank you."

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

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. Don't kid yourself, Mr. Speaker. This bill is aimed at the kids. Flavored drinks, flavored hard liquor drinks are going to be attractive to young drinkers. And I think no one in this Chamber believes that underage drinking does not go on. We know it does go on. This plays right into it along with the flavored cigarettes. So we are now going to have our kids smoking flavored cigarettes and drinking sweetened hard liquor beverages. We know that there's binge drinking on college campuses. We know that there is a real problem with the misuse of alcohol. What this does is make it more affordable for the kids and the flavoring makes it a product they're going to have to have. So don't kid yourselves on this. This is the hook-the-kids-on-hard-liquor bill. Thank you."

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

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

"Thank you. In opposition. I just wanted to add another comment. We've been reading in the newspaper how prevalent underage drinking is and that it's actually the biggest problem. I don't think it's time to lower the taxes on this."

The motion was put to vote by the Chair and carried, and H.B. No. 1162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX," passed Third Reading by a vote of 36 ayes to 15 noes, with Representatives Arakaki, Berg, Ching, Evans, Finnegan, Fox, Green, Hale, Lee, Moses, Nishimoto, Schatz, Takumi, Thielen and Wakai voting no.

#### **H.B. No. 487, HD 1:**

Representative M. Oshiro moved that H.B. No. 487, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I really believe this is a matter of invasion of privacy. This allows the counties access to the State tax records. And I'm not sure that when taxpayers sign the information on their State tax form that they know it's going to be released to the counties. I know the State does get tax information from the federal government but now we're going a step further. And it's not for that purpose. It's not for the income tax purpose that when they're providing the information, it's for State income tax. And this now is going to be a different use of that information. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 487, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses and Thielen voting no.

#### **H.B. No. 877, HD 2:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 877, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 318, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 318, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Third Reading by a vote of 51 ayes.

At 5:36 o'clock p.m., the Chair noted that H.B. Nos.: 1760, HD 1; 733, HD 1; 1162, HD 1; 487, HD 1; 877, HD 2; and 318, HD 1; passed Third Reading.

#### **H.B. No. 551, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 551, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

#### **H.B. No. 771, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 771, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENDERS," passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

**H.B. No. 1171, HD 1:**

Representative M. Oshiro moved that H.B. No. 1171, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I rise in support. This bill would protect our citizens from impersonators who harass and place their victims in fear of their safety.

"For example, I have learned that with the popularity of the Internet, there are many people victimized by impersonation. What worries me, is that many victims are women. I read a case where a man impersonated a woman because she rejected his advances on her. He made a website pretending to be the woman and lied on how she had a sexual fantasy of being raped. Further, he placed her address and phone number on the website. As a result, men came to her residence offering to rape her. In addition, I have a friend who is also my constituent who has been a victim of an impersonator that made her out to be a prostitute and placed her personal information on a website. Consequently, a man contacted her and she feared for her safety.

"The Judiciary Committee amended the bill with broader language by taking out the "intent to cause bodily injury or reckless disregard of the risk of causing bodily injury" and replacing it with "intent to deceive, and harass, annoy, or alarm another, or in reckless disregard thereof, makes or causes to be made, a likeness of that other person which the person knows to be false." This language would make it easier for victims to prosecute impersonators who not only cause potential harm to them but also deception, harassment, annoyance, and anything alarming.

"As this bill moves to the Senate, I hope to see the text, "electronic transmissions" re-inserted into the bill to include impersonation being done on the Internet, as well as other types of technology. Similarly, I tried to insert this language in Hawaii's harassment and stalking laws to protect people being victimized by perpetrators on the Internet and other types of technology. I will try to work on amending Hawaii's harassment stalking laws during the interim. Nonetheless, "electronic transmissions" can still be added to this bill as it moves through the legislative process. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL IMPERSONATION," passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

**H.B. No. 1715, HD 1:**

Representative M. Oshiro moved that H.B. No. 1715, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With very serious reservations and referencing my comments from Second Reading," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition. I'm just going to give you an example. I move out of my house and I rent it out and two single people attempt to rent it, and I say no for whatever reason, maybe their finances, whatever. But they sue me because they're gay.

"Now first of all, how did I know they were gay? I didn't know. I didn't ask them. But they sue me because they say, 'We're gay or we're transsexuals,' or whatever the protected class is that they want to claim, but they say, 'that's the reason.' Well, it's not the reason but how do I prove it? I have no way to prove it. It had nothing to do with their identities. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm rising in opposition and I would ask the Clerk to insert my remarks from Second Reading," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I rise in support with grave reservations. Mr. Speaker, as I shared on Second Reading, that this bill, because of the title referring to housing, and it did not come to your Committee on Housing, I'm standing in support with reservations because I want to be on the Conference Committee if it should come back from the Senate. So therefore I'm just standing with reservations. Thank you, Mr. Speaker."

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

"Just with reservations with the comments of the previous speaker since I'm also on Housing. I'm also still unclear of how this is going to be proven and how people would know if someone has a certain identity or not. And I'm worried if we're going to be asking those types of question and if we do, will that violate their civil rights? I'm still a little unclear on this one. Thank you."

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

"With reservations, Mr. Speaker. I don't think we should give exemptions for discrimination."

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

"With reservations, Mr. Speaker. And short response to the Representative from Makakilo about the concern if the person didn't identify themselves. As you know, there are other protected classes we have such as religion and so on. It's very hard to tell what a person's religion is. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1715, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Finnegan, Lee, Meyer, Moses and Stonebraker voting no, and with Representative Marumoto being excused.

**H.B. No. 1747, HD 1:**

Representative M. Oshiro moved that H.B. No. 1747, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. The purpose of this bill is to establish new limits for campaign contributions to candidates, non-candidate committees and political parties during specified election periods. I speak in opposition for the following reasons. While I'm an advocate of using comprehensive public funding and I have used public funding in each of my elections. There are drawbacks to setting limitations on campaign contributions from private citizens and certain groups. Everyone realizes that using public funds helps to level the playing field and prevents special legislation for certain individuals or corporations from being passed. But there's also a need, Mr. Speaker, to allow individuals and groups to be able to give political donations without such strict limitations on the amounts that they give.

"And Mr. Speaker, I believe it's a constitutional right to not only vote but to support the candidate of your choice. And I think by giving individual contributions, you are doing that. But restricting an individual's ability to contribute to a candidate while abiding by individual campaign finance restrictions, we're placing a lot of limitations on one's ability to participate in the political process itself and infringes upon one's constitutional right to do so. Although it has been recognized, the contributions to a political campaign do not have the same protection under the Constitution as expenditures toward a political campaign to be able to contribute to a specific candidate can still be viewed as an indirect or symbolic political speech that should not be restricted or censored.

"Further, money used as contributions to candidates have been recognized as proxy speech and should also be afforded some First Amendment considerations although it may not be given full First Amendment protections. Contribution limits also cause candidates to devote an inordinate amount of time to fundraising and less time connected with interfacing with their communities.

"While supporters of contribution limits argue that strict limits are needed in order to prevent the buying and selling votes, systematic studies of legislative voting records have shown that campaign contributions have far less effect on legislative voting patterns than do personal ideologies, constituent desires and political party affiliations and agendas.

"Finally, even campaign reform doesn't always work, such as limiting contributions received from sources outside the legislator's state or district. This idea is also misguided because it would prevent candidates from raising money for example, from friends and family members outside the district. Such proposals are also unconstitutional as they continue to constitute a ban on political speech of the individuals involved. A legislator's vote affects all citizens, not just those in his or her district.

"And Mr. Speaker, in the Finance Committee, Robert Watada, the man who should know the most about this, acknowledged that I would get twice as much money under this kind of a situation than I have used in my previous campaigns. And I ask Mr. Speaker, honestly, what do I do? Do I just pass it out to people and say, 'Vote for me? Here's the money.' I don't like this system, Mr. Speaker. Thank you."

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

"Thank you, Speaker Say. I'm voting no on this. As the Members know and as you know Mr. Speaker, this lowers the individual contribution to candidates from \$2,000 to \$500. And

there are a couple of reasons. First of all, I think that the First Amendment applies to not only speech, but printed speech. And the way that I spend money, that is a right that I have.

"And the other thing is that a lot of the difficulty in campaigns comes with the uncoordinated advocacy or uncoordinated campaigns from third parties. For example, in my last election, my opponent had seven mailers sent out without "his knowledge." You're talking about between ten and twenty thousand dollars worth of campaigning done from one entity, the Democratic Party of Hawaii. These are often times done in a gubernatorial race. For example, when a labor union will run advertisements on television for twenty, thirty, forty, fifty thousand dollars. And that's not counted at all.

"So what this bill does is, it's automatically biased towards people that get individual contributions from families, from people on the street, from friends, from people in the community. And it absolutely does nothing for uncoordinated contributions or advocacy or campaigning and for those that fall in the organized labor class. And so I don't think that we should go in this direction. I think it slants the playing field toward your side, Mr. Speaker. Thank you."

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

"Mr. Speaker, I rise in strong support of this bill. I'd just like to clarify some of the prior characterizations of the First Amendment right that is carried with political speech or campaign contributions. First and foremost, I think people need to realize that there is a difference, as I think was stated by the Representative from Makakilo, in the constitutional protections afforded to expenditures versus contributions. And that is specifically the issue when it comes to independent expenditures. The government cannot regulate independent expenditures. That is clearly a First Amendment right and exercise of free speech. So as much as people may hate these independent pieces that come in, I got eight of them in my district too, but you know what? That's the First Amendment. Those individual's or organizations' right to exercise free speech. And we cannot do anything to limit that.

"On the other side however, under Buckley v. Vallejo, the distinction is made that contributions can be limited because the affinity to free speech is not nearly as close. And that's what this bill is doing. And that's why Bob Watada is in support of the reduction of campaign contributions. The idea behind this is, we are tired of tinkering around the edges. We're tired of just providing transparency by saying everything has to go through a separate, segregated fund, and blah, blah, blah. We're tired of saying that contractors cannot give except for these exceptions in these periods of time. So we're just going to say that we're going to lower campaign contributions across the board. And you know what? People may see this as a drastic move, but when you look at what other states have done, we're actually not doing anything that's not really that drastic.

"When I took a look at the comparison for the fifty states, Hawaii, right now, falls actually in the top 10 with the current limits that it has. However, if we were to go to this limit of \$500, that would actually put us alongside nearly half of the states because most states do have some kind strict limitations.

"And for anyone that is fearful of a constitutional challenge, there was a specific court case called Montana Right to Life Association v. Eddleman, where the Montana contribution limits were actually lower than the ones in this bill and yet, the Ninth Circuit Court of Appeals held that we hold Montana's interest in purging corruption and the appearance of corruption from its electoral system is sufficiently important to withstand constitutional scrutiny. And I think as everyone knows, if there

was a constitutional challenge here on this bill, it would go to the Federal District Court of Hawaii and then go up to the Ninth Circuit Court of Appeals. So we are on very firm constitutional grounds moving forward. And I think we should continue to look at this bill as a real alternative means towards effectively dealing with campaign spending restrictions that Mr. Watada wants. Thank you."

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

"I certainly would like to adopt the words of the previous speaker as though they were my own and commend the Chair and Vice Chair of the Judiciary Committee. In support. Thank you."

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

"Thank you, Mr. Speaker. In spite of that great speech by the Floor Leader, a very enlightened speech, I still vote with reservations, Mr. Speaker."

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

"In support. I heard the remarks of the Majority Floor Leader saying, 'Let's stop beating around the edges. Let's do something significant.' It's such a complete disappointment for me, Session after Session, year after year, not to see us go after the heart of the problem, which is the 'pay-to-play' game. We should simply outlaw, ban contributions from people who do work with government. We ought to do it. It should have been done long ago. It's done in thirty states. It's done by the federal government. Nothing. Thank you."

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

"Mr. Speaker, briefly in strong support. Over the years, the House races and the Senate races, and even the statewide races, the cost to run an election and the cost associated with an election has just skyrocketed. And we need to take a stand on what the public policy behind what future elections should cost. I mean it's getting pretty ridiculous to have House races cost in the range of sixty to a hundred thousand dollars. This is getting pretty ridiculous when most of us, well all of us are paid, this is a \$34,000 job. And the Senate races are becoming over \$100,000. We need to take a strong stand, a public policy stand in doing something about it.

"Over the years, as the Vice Chair of Judiciary, the Majority Floor Leader, has stated, we have been tinkering around with the campaign spending reform and we have had extensive discussion with Dr. Watada. And he and we agree that maybe the thing to do is stop tinkering with it. We need to make drastic change. We need to make major reform and the way to do it is to substantially reduce the contribution limits.

"And as the Vice Chair, the Majority Floor Leader, stated, this has withstood the constitutional challenge. And if you think about it, the congressional races, I mean their limitation is \$1,000. I mean, at some point ... I'm trying not to ... I'm trying to find that word. It's very disproportionate to think that the congressional races, the limitation is \$1,000, which has withstood court challenges, and for us it's \$2,000. I mean in my respect, I think that's a little arrogant. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support of this bill. This program is optional. It is not obligatory to potential candidates. And I believe it would bring more energy, commitment and willingness of more citizens to consider serving our communities in the role as elected to office. And I believe it will also contribute to sustaining our democracy. Thank you."

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

"Mr. Speaker, I'd like to speak in favor of the measure. Mr. Speaker, some have said that campaign finance reform is the reform that makes all of the reforms possible. If I may, I'd like to quote the words of Hawaii County Mayor, Harry Kim when he testified in support of this measure. He said, 'I know this is a difficult area and the details can be mind boggling so I defer to the wisdom of the Legislature as to how best to set up a program that levels the playing field, enables candidates of limited means to participate meaningfully in the electoral process, and recognizes the cynicism and frustration that have been caused rightfully or not by the appearance of influence that money has on the electoral process. But whether or not House Bill 1713 is the perfect answer, do not let the perfect be the enemy of the good.'

"I urge my colleagues to support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGNS," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Meyer, Moses and Stonebraker voting no, and with Representative Marumoto being excused.

#### **H.B. No. 1734, HD 1:**

Representative M. Oshiro moved that H.B. No. 1734, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I want to vote no, but I won't. But I do want to explain my strong reservations regarding this particular bill.

"This particular measure amends the ice bill we passed last year that we titled drug rehab homes or clean and sober homes under a provision in the bill which required them to have a public meeting prior to opening a home in our neighborhoods. This measure, H.B. 1734, HD 1, removes them from the ice bill and essentially puts them back to where they were. Let me tell you where they were. Mr. Speaker, where they were, were under county zoning laws which says, as long as there's five of you, who are unrelated, living in a home, it's okay, we don't mind. And that's it. There's no other regulations watching over them. But why do we say that it's okay to do that? That's because we don't know who these people are.

"Transitional homes or clean and sober homes are homes for people coming out of jail. These are people who are not rehabilitated. Does anybody here in this particular House actually think that our prison system rehabilitates anybody? They are not treated in prison. There's no treatment facilities in prison that will have them prepare to live right next door to us.

"And three, do we really think that the public is aware of the kinds of families they bring into the neighborhood? By taking them out of the ice bill, we now are looking at additional homes opening up in our neighborhoods without knowing who these

people are. All we know is that we don't want to be near them. All we know is that they attract a lot of attention. All we know is that there are strange individuals driving in their cars coming to visit. And a lot times, we do have people complaining silently because they are afraid.

"Mr. Speaker, the better way to handle this situation is to regulate them somehow or provide the treatment that they deserve in prison. We must turn these individuals into citizens to prepare to go back into society before we release them into our neighborhoods. That is the concern that I have, Mr. Speaker. And I thought that I would use this opportunity to promote the idea of an in-house treatment facility within our penal system. We should be able to take these hardened criminals, put them into a program where we can rehabilitate them, treat them for whatever substance addictions they may have, whether it be drug or alcohol, before releasing them into our neighborhoods.

"In addition, Mr. Speaker, there's provisions in this bill now that will regulate what we call medical treatment facilities. There is such a house or a big apartment complex in my neighborhood in Waipahu that wants to be a treatment facility. This Mr. Speaker, is a 180 bed facility known as 'The Alcatraz' in the 'Pupu Street' area. That area is home to a lot of children who are often from underprivileged families, often our newcomers to our State, often they are unsure of what the laws are and what the dangers are as to what a house such as this may bring into their community. They are a community at risk. They Mr. Speaker, in fact belong to what we call a 'Weed and Seed' area.

"This bill is vague. It is because, in a way, that it does not really put limitations on where these treatment facilities can open up. I would much prefer that somewhere along the line, that these treatment facilities which will house an undetermined amount of transitional or people coming from prisons to our communities at least keep them out of the Weed and Seed area. The idea of the Weed and Seed program is to remove the bad elements out. To weed them out and seed them with a lot of good stuff. For example ..."

Representative Tanaka rose to yield his time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"Thank you, Representative. And I'm almost finished, Mr. Speaker. And I don't want the area to be seeded with bad weeds. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Third Reading by a vote of 50 ayes, with Representative Marumoto being excused.

At 5:58 o'clock p.m., the Chair noted that H.B. Nos.: 551, HD 1; 771, HD 1; 1171, HD 1; 1715, HD 1; 1747, HD 1; and 1734, HD 1; passed Third Reading.

#### **H.B. No. 555:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 555, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

#### **H.B. No. 1236:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1236, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

#### **H.B. No. 1461:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1461, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

#### **H.B. No. 1462:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1462, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

#### **H.B. No. 1463:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1463, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

#### **H.B. No. 1464:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1464, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

At 5:59 o'clock p.m., the Chair noted that H.B. Nos.: 555; 1236; 1461; 1462; 1463; and 1464; passed Third Reading.

#### **H.B. No. 1465:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1465, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 1672:**

Representative M. Oshiro moved that H.B. No. 1672, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong opposition to House Bill 1672, Stand. Com. 809 and House Bill 1666, Stand. Com. 812. Both bills are designed to really handcuff the Governor's ability to deal with budget situations. And as I've said in Second Reading in talking about both bills this goes against the way the model Constitution of the State was set up giving the Governor flexibility to survive financial difficulties, exercised effectively by Governor Ariyoshi in the face of a Legislature that wanted to spend, spend, spend. And exercised effectively by Governor Cayetano in the face of a Legislature with the same problem. We know we need this kind of power in the hands of the Governor. And we also know that once we take it away, the Governor will never get it back. Thank you, Mr. Speaker."

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

"Standing up in support. This bill just simply asks that a public process be implemented. And in fact the process may actually help the Administration because if you look at the Governor's website, she says, quote, 'Our Administration is committed to openness, honesty, fairness and accountability.' This bill does that, Mr. Speaker. What it does is it asks that whenever there's a process regarding the finances that they ask for public input. This makes the process that they're doing regarding the finances open, more accountable.

"Actually, in looking at the bill, it will potentially only add a six day lag in the implementation, as well as it alleviates the requirement to have it publicized in the newspaper. So I encourage our Members to support this bill."

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

"Mr. Speaker, just in opposition. This has nothing to do with openness, Mr. Speaker. This is all about taking away the power of the Governor. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1672, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

#### **H.B. No. 1235, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL ALLOWANCES," passed Third Reading by a vote of 51 ayes.

#### **H.B. No. 1720, HD 1:**

Representative M. Oshiro moved that H.B. No. 1720, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'm speaking on 811, briefly. There was a recommendation from the Tax Foundation that this matter be left to the Tax Review Commission. I'm speaking in opposition. I believe that the reason this bill requires that we review tax credits every two years is it wants to close down credits. Its focus is on how we can raise more money. And the way to raise more money is to subject every single credit to closer scrutiny. And that seems to be the mood that this Legislature is in. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1720, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Fox and Meyer voting no.

#### **H.B. No. 1666, HD 1:**

Representative M. Oshiro moved that H.B. No. 1666, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

The Chair then stated:

"Moving on to Stand. Com. Report 812, which Representative Fox already spoke on with Stand. Com. 809, H.B. 1672. Anyone else?"

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

"Mr. Speaker, in opposition. Mr. Speaker, I really believe this is an attempt to erode the Governor's power to restrict spending of appropriated funds. As we know the Governor is bound by the Constitution to pass a balanced budget and she cannot spend moneys above what is projected to be revenues incoming to the State. However, the Legislature may pass basically whatever we deem appropriate. And this also restricts the Governor's ability to reallocate funds between departments. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1666, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Schatz, Stonebraker and Thielen voting no.

#### **H.B. No. 127, HD 2:**

Representative M. Oshiro moved that H.B. No. 127, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Just briefly. I'm from Maui. I'm opposed to House Bill 127. Mr. Speaker, I'm from Maui and I don't know Oahu that well and frankly I don't go to Waikiki very much. But I'm just amazed that Oahu would just have one competent beachboy."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. I won't take any time to repeat what I said on Second Reading, just ask the Clerk to resubmit my remarks," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition. I beg your indulgence but I was personally attacked in an email from the person who will benefit from this concession. And he circulated a copy of the message to everybody in the Legislature, as well as a larger group of people. And he accused me of being uninterested in protecting the status of Native Hawaiians. And so I turned to the Director of Land and Natural Resources and asked him if that was the case that I was supporting the system that discriminated against local people. And the Director said the Department strongly opposes this bill for several reasons.

"On January 9, 2004, the Board authorized the sale of a concession contract by sealed bid for the Duke Kahanamoku beach area. This concession will replace the month-to-month permit that C&K Beach Services has held since 1977. The Land Board made its decision after much public input in the debate over whether the concession contract should be issued by direct negotiation or via the bid process.

"Several other beachboy stand operators provided testimony at the Land Board meeting and asked the Land Board for the opportunity to be selected for the Duke Kahanamoku beach operation. The operators asked that it be put out to bid. The Land Board felt that the concession should be put out to public bid to ensure a fair and open process by which all beach service

entities could have a chance. It was clear to the Land Board that there may be several other entities that would be interested in the site who would also be able to preserve and promote 'the beachboy tradition.' It was also evident that there may be more than one nonprofit organization that might be interested.

"A similar bid process was used by the City and County of Honolulu for its three beach concessions at Kuhio Beach, which resulted in three concessionaires that the Department understands is 'preserving and promoting the beachboy tradition.' The Department feels it is inappropriate for the Legislature to afford special treatment to one particular company over others. As noted, other Waikiki operators came forward and asked that they be given a chance. They asked that it go out to bid. Thank you, Mr. Speaker."

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

Representative Ching's written remarks are as follows:

"Hawaii's beachboys versed in the Hawaiian beachboy tradition are a class of skilled experts and are ambassadors to those who visit the shores of Waikiki. The proposed bill, which singles out one state-owned beach site in Waikiki, forbids the competitive selection of a beachboy concessionaire, violates Article XI, Section 5 of the Hawaii Constitution. It would be unfair as this bill favors the exclusion of other Hawaiians. There is nothing in existing law that prevents the Board of Land Natural Resources from conducting competitive bidding for such a concession and when it believes that is in the public interest to do so. House Bill 127, Proposed H.D. 1 would take away that discretion and replace it with a mandate to negotiate. Our current beachboys are doing a good job, which will place them with an advantage in the competitive bidding process."

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 H.B. No. 127, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Fox, Halford, Meyer and Moses voting no.

At 6:08 o'clock p.m., the Chair noted that H.B. Nos.: 1465; 1672; 1235, HD 1; 1720, HD 1; 1666, HD 1; and 127, HD 2; passed Third Reading.

#### **H.B. No. 128, HD 2:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 128, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Moses voting no, and Representative Herkes being excused.

#### **H.B. No. 1705, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1705, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

At 6:10 o'clock p.m., the Chair noted that H.B. Nos.: 128, HD 2; and 1705, HD 1; passed Third Reading.

At 6:10 o'clock p.m., Representative M. Oshiro requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:40 o'clock p.m.

#### **H.B. No. 100, HD 1:**

Representative Takamine moved that H.B. No. 100, HD 1, pass Third Reading, seconded by Representative Kawakami.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'd like to start by thanking the members of the Finance Committee for putting in the long hours during budget briefings, and for asking the tough questions that helped create the product you see before you tonight. I would also like to acknowledge the special role of Vice Chairman Bertha Kawakami, as well as the House Finance Committee staff, for all of the extra hours that they've put in to make sure that this budget is the best product that it can be. And surely to all of the Committee Chairmen and others for their suggestions which were considered and made a difference.

"In developing the House Draft of the budget bill Mr. Speaker, the Finance Committee's primary focus was on establishing and maintaining the best quality of life that would be possible for Hawaii's people. This approach is mindful of many inter-relationships at play, such as what is happening and what is anticipated at the federal level and how this impacts the State's role in providing services. It also reflects the communities' pressing needs, particularly in the priority areas of our public school system and the ice challenge in our community. These were unmet needs that we discovered that were missing from the Executive budget that was submitted for our review.

"Mr. Speaker, your Committee maintains that education, our public school system, is the key to improving the quality of life for future generations, and therefore remains at the top of the agenda. This budget supports education by providing an additional \$26.9 million in Fiscal Year 2006 and \$27.4 million in Fiscal Year 2007 over the Governor's budget that was submitted to us in December.

"House Draft 1 also continues the ice funding that was originally provided in Act 40, that was last year when this Legislature took the first step in adopting a comprehensive strategy of prevention, treatment, and law enforcement to provide the tools to our community to deal with the ice epidemic.

"This budget also supports our counties with funding to help with their infrastructure needs, which at the outset was not included when we first received the Administration's proposal.

"And Mr. Speaker, honoring our troops will be considered in terms of a number of items tied to the 2005 Military Appreciation Package, which include various tax credits, exemptions, salary compensation, and general fund appropriations in the budget. It's important at this time to demonstrate tangible support for our troops and their families; as this also relates to quality of life for our military community.

"Mr. Speaker, this measure is a balanced budget that is responsive to the needs and demands of our communities, and

in focusing on the quality of life for our families, this balanced budget does not rely on any tax increases.

"With this framework in mind, the following actions were taken to control spending:

"First vacancy savings totaling \$3.3 million in general funds were taken by eliminating positions that had not been filled during all of 2004.

"Additional efficiency savings totaling \$3.0 million in general fund savings were imposed in addition to the 1% efficiency savings originally taken by the Administration. These original 1% amounts generated \$5.4 million in savings.

"Delays in hire were imposed on all new positions resulting in a savings of 3-months salary costs.

"A \$20 million transfer of general funds to the University of Hawaii to be deposited into a scholarship special fund to replace the existing system of tuition waivers was deferred at this time. The current system of providing for financial assistance through tuition will remain in place."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you very much. The current system of providing for financial assistance through tuition will remain in place instead of changing the method of accounting to giving out money, which would in turn be returned to the special fund for the next semester's cycle.

"In addition to making various reductions to the spending plan submitted by the Administration, House Bill 100, House Draft 1, provides additional spending authority to priority areas. Mr. Speaker, anyone who listens to our community realizes that our public school system continues to be the key area that people want us to invest in.

"And as indicated earlier, House Bill 100, House Draft 1, supports education by providing additional funding of \$26.9 million in the first fiscal year and \$27.4 million in the second fiscal year. This is over the proposal that was submitted by the Administration.

"Mr. Speaker, I think it's clear that if a child, if a student cannot get to school, how can they learn? Therefore, an additional \$2.5 million is included in the first year and \$3.2 million included in the second year to cover shortfalls in transportation costs.

"If a child is hungry, how can we expect that child to do his or her best to learn and to excel? Therefore we have \$9 million in each fiscal year to cover food services and their operating requirements.

"We know that many families have special needs. And therefore we have restored to the Governor's budget \$5.3 million in each year for services to children with Autism Spectrum Disorder.

"We also restored \$2.4 million in each year to address the needs of special education teachers and EAs.

"As well providing for an additional \$1 million in each fiscal year to provide for the Charter Schools.

"As well as restoring Mr. Speaker, 163 positions for special education teachers. Initially this was not included in the

Governor's budget but was then restored in a Governor's Message dated February 18.

"Last Session was the first major step to help our community combat the ice epidemic. House Draft 1 follows through on last year's efforts by putting back funding to combat ice, which was originally provided in Act 40. This totals of over \$7 million in each fiscal year of the biennium.

"The ice funding includes \$1.28 million each year to fund substance abuse treatment services in our middle schools.

"Again to deal with the prevention element, it includes \$630,000 each year to fund substance abuse treatment services in all of our high schools.

"It includes \$4 million each year for adult treatment services.

"And \$1.23 million each year as subsidies to the counties for their community anti-drug programs.

"House Bill 100, House Draft 1, recognizes the deteriorating condition of our roads, and draws on unanticipated additional revenues totaling \$8 million and a balance of over \$141 million in the Highway Fund to provide subsidies to the various counties. The City and County of Honolulu would receive \$4 million, while the other three counties would receive \$2 million each. Although these amounts represent only a first step in addressing the road repair needs, it is appropriate that we work with our county counterparts in dealing with this need."

Representative Caldwell rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you very much. Finally Mr. Speaker, House Bill 100, House Draft 1, honors our troops by providing resources to allow for the assembly and transportation of care packages to our National Guard troops that are currently deployed. And in addition, by funding that has provided for coordinating a welcome home activity program when they return, hopefully in April of next year.

"Your Committee on Finance is sending this Executive Biennium Budget to the Senate early in hopes that the Senate will have more time to work with the Administration to obtain additional information that was not provided in timely manner. Your Committee looks forward to continuing to work on reviewing this spending plan to ensure that it meets the needs of the people in a manner that maintains the fiscal health of our State.

"House Bill 100 Mr. Speaker, the State Budget is a work in progress.

"House Draft 1 restores funding to essential public services, to the priority areas, to our public schools, to the community for fighting ice, it honors our troops, and it repairs our roads. I urge my colleagues to support House Bill 100, House Draft 1. Thank you, Mr. Speaker."

Representative Kawakami rose to speak in support of the measure stating:

"Thank you, Mr. Speaker. Mr. Speaker and colleagues, I rise to speak in support of the budget. As elected officials we are entrusted with the power, with the authority, and with the expectation to deliver a budget that reflects careful planning, management, and prudent forecasting.



"While the current economic forecast for Hawaii seems to be upbeat and optimistic, let us not be tempted to overspend. When government operates within a more predictable fiscal environment, it can control its expenditures. Some funding must be set aside to cope with unexpected financial occurrences. This Mr. Speaker is living within our means and it is the heart of this, our fiscal responsibility.

"Mr. Speaker, the rest of my comments, I would like placed in the Journal," and the Chair "so ordered."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker and colleagues, I rise to speak in strong support of House Bill 100. The Budget Bill.

"As elected officials we are entrusted with the power, authority, and the expectation to deliver a budget that reflects careful planning, management and prudent forecasting.

"Mr. Speaker, I believe your Chair and the Committee on Finance have done just that for this budget clearly reflects the most pressing needs of our communities.

"Each community is unique in its own way, yet each relies on its schools to provide a quality education, local law enforcement to aggressively interdict and prevent ice usage, and the dependability of public services. Moreover, every community has been touched by the War on Terrorism as our military personnel serving in the Hawaii National Guard originate from all our communities.

"This budget appropriates additional funding to ensure that the Department of Education will meet the needs of our children in the coming biennium through increased funding for food services, student transportation, special education and charter schools.

"By committing additional funds to combat the crystal methamphetamine or ice epidemic, we are addressing not only the needs of law enforcement, but the needs of those seeking treatment services, and family counseling, as well as prevention.

"The condition of our State roadways and highways continues to be a problem for our motorists. This budget allocates funding to Hawaii's four counties in order to facilitate highway and roadway repair and maintenance.

"In recognition of the courage and sacrifice of our military personnel serving in both the active and reserve forces, the budget allocates funding for the repair of the Hawaii State Veterans Cemetery and care packages for Hawaii National Guard troops serving overseas. Moreover, additional funding has been appropriated for appreciation benefits commemorating their safe return to their loved ones.

"Mr. Speaker, most importantly the measure before you endeavors to meet the needs of our communities as I have outlined; however, it does so without placing undue burden on Hawaii's taxpayers.

"While the current economic forecast for Hawaii is upbeat and optimistic, let us not be tempted to over spend. When the government operates within a more predicable fiscal environment, it can control expenditures. Some funding must be set aside to cope with unexpected financial occurrences. This, Mr. Speaker, is living within our means and it is at the heart of fiscal responsibility. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support with many reservations. And first of all I want to thank the Chair, the Vice Chair, and the members of the Finance Committee and all the staff behind the closed doors because I know they did toil quite a lot over this. It's obvious in their work.

"But I want to start by saying that I'm glad it's a work in progress because we have a lot of work to do on it. On the very first page of the Conference Committee Report, the very first paragraph of substance, it says, 'Your Committee has labored to craft a balanced budget that is responsive to the needs and demands of our communities focusing primarily on improving the quality of life for every community.' And yet, the *Honolulu Advertiser* on Friday, March 4, pointed out many, many *pukas* that are in this budget bill. It says, 'By not including Lingle's plan to raise the standard deduction and provide food and medical tax credits for lower income families, the Committee had about \$48 million to reallocate.' So that's where they got the money. They didn't give any real help to the needy and the poor.

"Mr. Speaker, the Governor's plan called for tax credits for food and medical services and nonprescription drugs but we didn't do it. It was to provide economic relief for working families earning \$40,000 or less per year by establishing a refundable tax credit for food, medical services, and nonprescription drugs, we didn't do it. In 1987, the Legislature enacted a temporary food tax credit of \$45 per person. This credit expired at the end of 1990. A revised food tax credit was set that year at \$55. But subsequently reduced to \$27 in 1995. In 1998, the Legislature repealed the entire food tax credit for Hawaii's taxpayers. This new tax credit would have applied to purchases of the basic necessities for families with federal adjusted gross income of \$40,000 or less per year. That's the needy, Mr. Speaker. Approximately 515,000 people. Nearly 40% of Hawaii's population lived in households earning \$40,000 or less. We did not address that *puka*, Mr. Speaker.

"For the first year, the credit would be \$27 multiplied by the number of qualified tax exemptions for which the taxpayer is entitled. For 2006 and beyond, the credit would have increased to \$55. For a family of four, this credit would return \$220 to their pockets. And we still have time to do this because this is a work in progress."

Representative Takai rose, stating:

"Point of information. Thank you, Mr. Speaker. I believe the speaker is speaking out of turn. This is the State Budget. All that he mentions are in separate bills."

The Chair then stated:

"In fact it is related to the State Budget as far as the total package that was sent down by the Administration. So please proceed, Representative Moses."

Representative Moses continued, stating:

"Thank you, Mr. Speaker. The second major area, the *puka* that we needed to address and can still address in this bill is tax relief for families changes the standard income tax deduction for lower wage earners. That's increasing their take home pay. The deductions would be increased to one-half of the 2004 federal standard deduction over the next three-year period from 2006 to 2008. An individual who files as a single taxpayer in 2008 would have been able to deduct \$2,500 from his or her taxable wages rather than the current amount of \$1,500. A couple filing a joint return would be able to deduct \$5,000 in 2008 rather than the current amount of \$1,900. This would have gradually eliminated the marriage penalty.

"For the past 15 years, Tax Review Commissions have consistently advocated this measure is a way to reduce the tax burden on the lowest wage earners. A simple change would reduce taxes for 78,000 tax filers and eliminate altogether the need to pay State taxes for 27,000 additional filers. More individuals who file taxes would be able to take the standard deduction rather than itemizing their deductions thus reducing the administrative burden incurred when preparing taxes. This would help needy families, Mr. Speaker.

"And the final item that the Governor proposed for us in her budget submission was a Reward Work program. This is committed to helping people by increasing the direct cash assistance to low income families with children using federal funds from the Temporary Assistance for Needy Families, TANF program. This Reward Work program along with other targeted programs would direct \$120 million in federal funds to the most needy families over the next two years and help more parents reach self-sufficiency. The Reward Work program portion will directly transfer or would have directly transferred \$58 million to working parents."

Representative Stonebraker rose to yield his time, and the Chair, "so ordered."

Representative Moses continued, stating:

"Thank you. I'm nearly done, Mr. Speaker. This new program encourages welfare recipients to work, rewards for self-sufficiency and supports and protects vulnerable families. This Reward Work targets an estimated 10,000 working parents and would have provided new enhanced earned income disregards which will increase or would increase the cash income for families by an extra \$200 to \$240 per month for the first two years back to work and an extra \$100 to \$120 per month for the next two years after that which they work. Would provide new generous and progressive work bonuses from \$4,800 to \$6,550 in cash over two years to reward parents who exit welfare for employment. And it would provide timeout payments for up to three extra years for working parents to continue getting \$200 monthly work subsidy checks when they have exhausted welfare benefits before they have been able to secure adequate full-time employment to support their families. All of these are to help the truly needy families, Mr. Speaker.

"And Mr. Speaker, I want to go on to one other subject in this bill and that is transportation. We know that the people of this State are very aware of our real transportation needs and our needing to address them. We have Rod Haraga, the Director of Transportation. His Department has been doing, I think, a great job in making tremendous progress. But this Body took all of his funding and then gave it back in another form restricting the way he has been doing business in such an exemplary way. So I think we should just get out of the way, allow him to do his job and allow him to move funded positions and pay for them with cash on hand, pay as you go, instead of paying for them with borrowed bond money. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of the budget.

"Mr. Speaker, on behalf of the Committee on Public Safety & Military Affairs, I would like to thank the Chairman and Vice Chairman of the Finance Committee and the staff for their hard work and dedication.

"I also want to thank Vice Speaker Takai and his legislative clerk, Norman Kukona, and Shannon Alivado from my office

for their hard work on all the military bills in the Military Appreciation Package.

"Mr. Speaker, your Committee is extremely grateful to the members of the regular military, military reserves, and the Hawaii National Guard and Reserves for their service to our nation. These men and women have bravely placed themselves in harm's way to preserve the freedoms that we cherish. It is essential to ensure that these troops enjoy the support of this State. Therefore Mr. Speaker, your Committee has appropriated \$131,200 in FY 2005-2006 and \$56,250 in FY 2006-2007 for the repair services for our Hawaii State Veterans Cemetery.

"Your Committee has also allocated \$200,000 in each year of the biennium for the veteran's services, of which \$100,000 will be used to provide care packages for Hawaii National Guard members deployed to foreign countries and \$100,000 for appreciation benefits for our National Guard Members when they return home from such deployment.

"Mr. Speaker, the allocations will show our troops that we not only support them in combat and peacekeeping missions but will continue to do so upon their return home. Thank you."

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

"Thank you, Mr. Speaker. With reservations. I'm sorry if this microphone is not working well. Mr. Speaker, I too would like to thank the staff. My office is right near the Finance staff office and they put in a lot of hours, they work hard, pay attention. And this product that they put out is excellent. The problems that I see in the budget have nothing to do with the quality of their work but do have to do with politics or the political side of the equation, what their directed and asked to do.

"Mr. Speaker, I'm voting with reservations because we're half way through. This is the House version. The House in my opinion is a superior body to the Senate. And I'm certainly not going to undermine this Body. But I must say that the quality of this budget deserves a no. Deserves a no for at least two reasons.

"One, it deserves a no because of the Committee Report. The Committee Report Mr. Speaker, does nothing to advance constructive financial thought in Hawaii. It's just a propaganda document. It's very derogatory. And the tone that's unbecoming of good leadership and statesmanship.

"And let me use the Committee Report as a segue to my second reason why it should be a no vote and actually this a compliment. It is something I agree with in the Committee Report. It says, 'We must remain vigilant and scrutinize how taxpayer dollars are spent.' I agree with that Mr. Speaker. That that's what we should do but we don't.

"Mr. Speaker, as I've said before, we do not do management and performance audits of all State spending as required in our Constitution and by statute. And because we don't do that, we don't have transparency. We don't have access to the underlying numbers to develop a responsible budget. That is a serious problem. We do not have the underlying numbers to develop a competent budget. And that's worth a no vote.

"Mr. Speaker, you could talk to any public worker. Every public worker can tell you of the waste in State government in the area that they work. I do not believe that there is an exception to that. Whether it's someone with UPW, HGEA, HSTA, UHPA, or even among those appointed. There's no public employee and employees for the Legislature. Every

employee knows of waste. And we do not pursue what is right in front of us. It's so easily accessible as to just ask any employee.

"One example. We had a storeroom in the Department of Education to provide supplies to teachers. For year after year, for more than a decade Mr. Speaker, the teachers were telling us the storeroom is inefficient. All those ten years, leadership would say to its membership make suggestions of what we should cut or where should we spend more. But if anyone had any idea that the storeroom was bad, every legislator would have suggested, we'll get rid of the storeroom. Well, finally, the Legislative Auditor did look at the Department of Education, did scrutinize that one function, realized how tremendously inefficient that was. A very good program."

Representative Thielen rose to yield her time, and the Chair, "so ordered."

Representative Halford continued, stating:

"Thank you. Mr. Speaker, the storeroom is a very well intended program but the management practice, the system under which it worked was so flawed that the cost of delivering supplies were near double of what it should really cost or what a teacher could go to Costco or OfficeMax and get supplies for.

"So Mr. Speaker, it is through responsible auditing, management and performance audits, I'm not referring to financial audits which we do perform and I'm sure a good job is done with that, but management and performance audits will uncover the storerooms which exist all throughout government. And there Mr. Speaker, we will find savings to fund all of the projects that we're concerned that are underfunded. If we could save just ten cents on the dollar.

"Mr. Speaker very few citizens of Hawaii believe that the State of Hawaii could get 75 cents of value for every dollar spent. They just don't believe it. Of course no one knows because we don't do the audits required in the Constitution. But Mr. Speaker, if we could just save ten cents on the dollar, not even make up that whole missing perceived 25 percent. Just ten cents on the dollar, that's \$800 million a year. That's more than double the amount of raising the general excise tax by 1% or from 4 to 5%. And for the sake of time, I won't go on. I hopefully have made my point that there's a lot of money in this budget that's being squandered because we have not done the job, the Legislature's job required in the Constitution, management and performance audits. Thank you."

Representative Fox rose in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations for this budget. We're talking in this budget about supporting education. I want to address the question of the University of Hawaii. The budget appropriates \$23.7 million for the University of Hawaii. The Governor was seeking to give the University of Hawaii \$45 million. The bulk of the missing money is the \$20 million that the Governor was putting in the budget to deal with scholarships.

"Mr. Speaker, we had a discussion in the paper this morning about the tuition increase that's planned at the University of Hawaii. The paper quoted Linda Johnsrud, Vice President for Academic Planning and Policy, calling her the chief architect of the tuition increase. She noted in the past there was not the commitment to financial aid that there is now. UH administrators have repeatedly made the point that the increases in tuition would be offset by a fourfold increase in financial aid. Briefly, Mr. Speaker, scholarships are vital to the process of making tuition increases work. Tuition increases are vital to

the University of Hawaii if it is to have adequate financing. Taking away the scholarships is a dagger at the heart of the University of Hawaii's financial program.

"There are three good reasons why scholarships beat tuition waivers. First, scholarships are needs based. This is the way the whole rest of the country does financial assistance. The whole rest of the country, you have financial aid, you file papers, they find out how much you exactly need and the scholarship fits your exact need. Tuition waivers are a crude tool that's just handed to people right and left politically, they don't really solve the financial need problem.

"The second reason why scholarships beat tuition waivers. They are matched by the private sector. There are many scholarship programs in which the amount of money put up by the University is matched by a private contribution from a business.

"And the third reason that scholarships beat tuition waivers is that they are tax deductible. You can deduct for your scholarship earning.

"So this is the way to help the University of Hawaii. The way to help the University of Hawaii is to allow it to raise its tuition and then come in with a scholarship program to take care of all the people, every person who is adversely affected by a tuition increase. The University of Hawaii will have much more money as a result of these tuition increases. They'll be able to help the people of Hawaii move to our future. Nothing is more important to the future of Hawaii than a strong University of Hawaii. And it is so wrong for this budget to be taking away the \$20 million for scholarships vital to the University of Hawaii. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with reservations. In no way do I want to seem like my comments are not giving respect to the Chair and the Vice Chair of Finance because I do believe that the Committee did a great job in putting this bill together and put in a lot of time and effort to do this. But in an effort to provide transparency to this Committee Report, I would like state full disclosure of the remaining *pukas* for the DOE.

"We'll start off with transportation. We have here in the summary of funding needs from the Department of Education, it talks about transportation and the need being \$16.3 million, the additional need of \$6.3 million and we've decided in this budget, to fund \$5.17 million leaving a \$10.6 million *puka* left for transportation. And I would say, how are the kids going to learn if they cannot get to school?

"I'd like to go to the second point of addressing special education. In special education, the need was \$18.7 million and we funded through this budget \$4.8 million leaving a *puka* of \$13.9 million. That's good because it is a 25% smaller *puka*.

"And I would also like to talk about the special education funds. The Administration, per the request of the BOE funded the additional \$3 million that they requested. So the Administration funded the \$3 million that the BOE requested. And in this Committee Report, it does state that after that, there was additional analysis that said that we were going to be short \$18.7 total. And it states in the language about how the DOE requires 59 additional special education teachers. It talks about requires and needs, everything that equates to the \$18.7 million. And it also states here, without adequate funding, DOE will be unable to sustain services for special education students and will risk falling out of the compliance with Felix Consent Decree requirements in various areas. And so it basically says

to address these serious concerns and to help DOE provide for our children's special education needs, our Committee has appropriated an additional \$4.8 million.

"We mentioned earlier that without adequate funding that we're going to be exposing ourselves to the risk of falling out of compliance with Felix Consent. The requirements states according to DOE and according to this report, \$18.7 million but we are giving them \$4.8 million. So I would say that we are not adequately funding special education.

"My point is this on this. Another thing is Act 51 is very important and it does state in this Committee Report that that is not being funded. My point is this, this budget states education as first priority yet allocated money for things that were below its first priority. The same thing that the Administration did when it left some serious *pukas* for DOE. I would argue that when you point the finger at someone, be careful because three fingers are pointing back at you.

"Now other thing that I would like to bring up."

Representative Ching rose to yield her time, and the Chair, "so ordered."

Representative Finnegan continued, stating:

"Thank you, Representative Ching. I would also like to just brush on the, well actually it's going to take a little more time than that, the provisos for DHS. In section 31 of the budget bill, the proviso will prohibit the transfer of funds between Program IDs to require immediate notification to the Legislature within two business days of every transfer of funds between cost elements within each program and a detailed explanation of the transfer and impact of the transfer on programs.

"The proposed proviso raises strong concerns given past actual expenditures and the types of programs that the Department of Human Services provides, there is a high probability that estimated budgets in the individual Program IDs will not match actual expenditures. It is important to point out that more than 80% of the DHS budget is for nondiscretionary fixed cost, social assistance entitlement programs providing direct service and payments to Hawaii's most vulnerable residents such as Medicaid Health Insurance for low-income children and adults, foster care, Medicaid Health Insurance for low-income children and adults. Foster care for the maintenance of abused and neglected children, and supplemental payments for the elderly and disabled for residential long-term care.

"Predicting program expenditures is not an exact science. For example, DHS has no control over the number of children entering the foster care system and is required to provide counseling and financial assistance and support. Similarly, medical and financial assistance clients are generally categorically eligible. They cannot be refused entry just because funds are short. In other words, the State is obligated to assist qualified applicants.

"In fiscal year 2004, nine program-to-program transfers were made by DHS including a \$4 million transfer from HMS 230, healthcare payments, to HMS 303, child out of home payments to cover higher than expected cost for foster care. Increased costs were due to higher than expected growth in the number of children entering the foster care system. Savings were generated in the Medicaid program, a joint federal state medical assistance program for certain individuals and families with low incomes and resources, because of the higher than expected federal matching funds.

"It goes on to continue and for lack of time, it goes on to also talk about how this proviso will hurt the operations of DHS. In summary of some of the serious consequences, there could be a disruption or cessation of services to clients; payments to programs stop because of insufficient funds, for example, foster parents will not receive their monthly checks for caring for their foster children; and Medicaid providers will not receive payments on the services provided to Medicaid clients. Three disruptions in payments to private providers contracted by DHS to provide services such as providing shelter and services to abused children.

"Four, possible withdrawal of contractors from providing these and other critical services for the State's most vulnerable population. Five, possible violation of federal laws and requirements. And there's details on that as well. Possible interest charges on late payments. Layoff of State personnel or payments to personnel without sufficient allotments of charging personnel cost to improper Program ID. Additional State general funds to cover federal fiscal penalties for failure to meet the State required MOE expenditures or failure to meet mandated federal program performance requirements.

"To alleviate the possible outcomes listed above, the Governor may need to convene Special Sessions to amend the General Appropriations Act. With respect to the requirement that the Department notify the Legislature on transfers between cost elements, we believe that it is unnecessary bureaucratic requirement that will adversely impact Department operations by increasing administrative workload.

"And just two other things. Well actually, I'll go ahead and submit these last two pages into the Journal if that's okay," and the Chair "so ordered."

Representative Finnegan submitted the following:

"Thank you, Mr. Speaker. I rise with reservations on H.B. 100, Relating to the State Budget. Here are the DHS' comments on HB 100, HD 1, in the order of our first to last priority concerns.

#### "PROVISOS

"1) Proviso Section 31: Our first priority concern for HB 100, HD 1, is the Section 31 proviso which restricts transfers of funds between program I.D.s. See the letter dated March 4, 2005 (below) that describes our serious concerns regarding this proviso that we transmitted to House Finance Chair, Representative Takamine. Also see attached testimonies for HB 140, SB 1750, and a memo to Senator Hemmings that voices concerns on the proposed Legislative oversight of the TANF funding that is in these bills.

March 4, 2005

The Honorable Dwight Y. Takamine  
Chair, House Committee on Finance  
Hawaii State Capitol, Room 306  
Honolulu, HI 96813

Dear Chair Takamine:

I am responding to an e-mail from a member of your staff, Alberto Vargas, requesting our comments on a proposed proviso that may be included in House Bill No. 100, the Executive Appropriations Bill.

The subject proviso is as follows:

SECTION XX Provided that all means of financing for the department of human services the sum of \$1,669,490,332 for

fiscal year 2005-2006 and the sum of \$1,697,279,485 for fiscal year 2006-2007 shall be expended solely within the program I.D. for which the funds were appropriated; provided further that the department of human services shall a (sic) report to the legislature for each transfer of funds between cost elements and include an explanation of each transfer including the date of the transfer, amount of the transfer, cost element from which the funds were transferred, cost element for which the funds were transferred to, impact of not expending funds for the cost element for which they were appropriated, and reason for transferring the funds to another cost element; and provided further that this report shall be submitted within two business days of the transfer and a summary report for the previous twelve months shall be submitted to the legislature no later than twenty days prior to the convening of the 2006 and 2007 regular sessions.

The proviso will:

1. Prohibit the transfer of funds between program IDs.
2. Require immediate notification to the Legislature (within two business days) of every transfer of funds between cost elements within each program and a detailed explanation of the transfer and impact of the transfer on programs.

The proposed proviso raises strong concerns. Given past actual expenditures and the types of programs that the Department of Human Services (DHS) provides, there is a very high probability that estimated budgets in individual program IDs will not match actual expenditures. It is important to point out that more than 80% of the DHS budget is for non-discretionary, fixed cost, social assistance entitlement programs providing direct services and payments to Hawaii's most vulnerable residents such as Medicaid health insurance for low-income children and adults, foster care for the maintenance of abused and neglected children, and supplemental payments to the elderly and disabled for residential long-term care.

Predicting program expenditures is not an exact science. For example, DHS has no control over the number of children entering the foster care system and is required to provide counseling and financial assistance and support. Similarly, medical and financial assistance clients are generally "categorically" eligible, cannot be refused program entry just because funds are short; in other words, the State is obligated to assist qualified applicants.

In FY 04, nine program-to-program transfers were made by DHS including a \$4.3 million transfer from HMS 230 (Health Care Payments) to HMS 303 (Child Out-of-Home Payments) to cover higher than expected costs for foster care. Increased costs were due to higher than expected growth in the number of children entering the foster care system. Savings were generated in the Medicaid program (a joint Federal-State medical assistance program for certain individuals and families with low incomes and resources) because of higher than expected Federal matching funds.

Also in FY 04, a \$1.4 million transfer was made from HMS 245 (QUEST Health Care Payments) to HMS 603 (Home and Community Based Care Services) to "up-front" provider payments in the Medicaid waiver programs with general funds due to an unexpected delay in Federal reimbursements. Upon receipt of the Federal reimbursements, DHS returned the \$1.4 million to the QUEST health care program. Without the temporary transfer, Medicaid waiver providers, such as expanded adult residential care homes, would not have received their regular payments for Medicaid waiver clients which could have jeopardized their placement in the facility, and by extension, jeopardized their health.

Further, the restriction imposed by the proposed budget proviso could substantially increase the State's cost for the Department's programs for the following reasons:

It is difficult to project the exact dollar expenditure required for human service programs as the budgets are best estimates of needs and the number of people who will be eligible for the service. In addition, economic and social factors impact the number of people requiring services. The Department requires the ability to transfer funds among the various programs, and between the cost elements within the program, to comply with the Federal fund requirements, meet the demand for services, and avoid Federal fiscal penalties.

The proviso impacts the Department's ability to meet the "Maintenance of Effort" (MOE) or required State match to comply with the requirements of Federal grants. For example, under the Temporary Assistance for Needy Families (TANF) Block Grant, the State is required to expend \$75,893,167 in general funds to qualify for the \$98,904,788 TANF Block Grant. Since the total general funds of \$42,310,177 in HMS 201 and HMS 203 are the primary source of the State's required MOE, the Department has transferred general funds between these two programs to ensure that the Department meets the MOE requirements.

An example of this transfer is reflected in our budget testimony under item "IV. Expenditures for Fiscal Year 2004-2005", in which the Department plans to transfer \$5.6 million from HMS 203 to HMS 201. The restriction proposed by this proviso may mean the Department will fail to meet the required State MOE expenditure should the Department require additional general funds to be transferred between these two programs. This will result in a fiscal penalty to the State and the State would need to expend additional general funds equal to the amount of the Federal funds withheld.

The inability to project the exact number of people served, and when changes will be made to Federal policy, law, or procedures, also has an impact on the Department's operations and fiscal requirements. This proviso will impact the Department's ability to meet our payroll obligations or costs associated with the delivery of services and may result in lay-offs of staff, closure of offices, or inability to meet program requirements.

The Department requires adequate staffing and the ability to make changes in the delivery of services to meet Federal program performance requirements and respond to Federal changes in a timely manner. If the State does not meet the performance requirements of the Federal program, a fiscal penalty is imposed.

For example, the Food Stamp Program requires that each State meet the accuracy rate established by the Food Stamp Program. If a State fails to meet the accuracy rate, the State is required to reinvest additional general funds in improving the State's ability to meet the requirements. Similarly, under the TANF program, if the State does not meet the work participation rate, the State will receive a Federal TANF disallowance or penalty and the State will be required to make up the disallowance with additional general funds.

The imposition of the proposed proviso will adversely affect the Department's ability to meet these changing requirements if the Department to lay-off staff or suspend operations. Similarly, if there is a need to increase services to meet the service needs or changes in Federal laws, the Department would not be able to manage or fund the needed services due to the restrictive nature of this proviso.

In summary, the following are serious consequences if the proviso is adopted:

1. Disruption or cessation of services to clients.
2. Payments to programs stopped because of insufficient funds. For example, foster parents will not receive their monthly checks for caring for their foster children and Medicaid providers will not receive payments on services provided to Medicaid clients.
3. Disruptions in payments to private providers contracted by DHS to provide services such as providing shelter and services to abused children.
4. Possible withdrawal of contractors from providing these and other critical services for the State's most vulnerable population.
5. Possible violation of Federal laws and requirements.
6. Possible interest charges on late payments.
7. Lay-off of State personnel or payments to personnel without sufficient allotments and charging personnel costs to improper program I.D.
8. Additional State general funds to cover Federal fiscal penalties for failure to meet State required MOE expenditures or failure to meet mandated Federal program performance requirements.

To alleviate the possible outcomes listed above, the Governor may need to convene special sessions to amend the General Appropriations Act.

With respect to the requirement that the Department notify the Legislature on transfers between cost elements, we believe that it is an unnecessary bureaucratic requirement that will adversely impact Department operations by increasing administrative workload. In addition, the detailed reporting requirement is contrary to the philosophy of the PPB (Program Planning & Budgeting) system utilized by the State for the last 30 years which allows for lump sum budgets by program ID with flexibility to transfer funds between programs to meet financial obligations, provided that the Legislature is notified of the transfers.

I appreciate the opportunity to comment on the proposed proviso.

Sincerely,  
Lillian B. Koller, Esq.  
Director

"2) Sections 124 and 125: Our second priority concern is the Sections 124 and 125 provisos.

Proviso Section 124: This proviso requires DHS to fully meet the minimum maintenance of effort requirement from the \$600+ million general funds appropriated to the Department. The Department currently budgets at 75% of the TANF Block Grant. This level is acceptable as long as performance requirements for the program are met. However, should the Department encounter a time when performance requirements cannot be met, then 80% of the TANF Block Grant becomes a requirement in order to avoid a penalty of 5% (\$4,900,000) of the grant.

This proviso then would require that the Department take money from another program budget in order to meet the TANF MOE. This action would result in a loss of service to

the program impacted and services would have to be curtailed or discontinued. We hope that this is not the intent of the Legislature.

Proviso Section 125: This proviso requires that TANF Federal funds can only be spent on programs and services for which they were appropriated. Further, this proviso requires that if Federal funds are given to another program, it requires that the general funds in that program be reduced accordingly.

This proviso restricts the ability of the Department to meet the increased needs of TANF-eligible recipients within its own program. If taken literally, an increase in Federal spending to meet the needs of TANF recipients would require a reduction in the general funds within the TANF program. If this requirement were followed, then the TANF program could not meet its MOE requirement with the funds available and, once again, funds would have to be borrowed from another program. This provision ultimately would result in a loss in services to meet the needs of the TANF program.

The effect of this proviso would appear to be an unintended consequence to the TANF program and we believe that the language should be modified to allow some flexibility to meet the needs of TANF-eligible recipients at the very least.

"3) Provisos Sections 26, 27, 29, and 30: Our third priority concern is the Section 26, 27, 29, and 30 provisos. The DHS loses the flexibility to respond to changing conditions and needs if these provisos are passed.

#### "ON PROGRAM IDs

"1) On HMS 888 Commission on the Status of Women. We have not yet agreed to support the transfer of this agency. We agreed to be a "placeholder" agency until further discussions and review could be held to identify where a good match would be. The DOH, the UH, and the DHS are currently discussing the potential placement of this Commission.

"2) On HMS 902 General Support for Health Care Payments. (Pending comment on adverse impact of position cuts.)

#### "ON THE HOUSE FINANCE COMMITTEE REPORT, HSCR 816,

"1) Page 15 of the report states the DHS has requested delay of the TANF audit by the State Auditor. This is based on a mistake in the March 1, 2005 Honolulu Star-Bulletin. A response (see below) was sent to all Legislators regarding this article on March 4, 2005 and the Star-Bulletin's correction of their error.

#### MEMORANDUM

TO: Honorable Members of the 23<sup>rd</sup> Hawai'i State Legislature

FROM: Lillian B. Koller, Esq., Director

SUBJECT: FYI

It has come to my attention that after reading a March 1, 2005 Star-Bulletin article, some Legislators are repeating the newspaper's claims that I asked Senate President Robert Bunda and House Speaker Calvin Say to hold off on auditing the TANF program. That was an inaccurate statement and the Star-Bulletin ran a correction on March 2, 2005. For your information, I never asked for a postponement of any State audit. We welcome all audits because we believe in transparency and accountability in government.

Here is the Star-Bulletin's correction: "Department of Human Services Director Lillian Koller did not ask the Legislature to hold off on an audit of the department's use of federal money. A Page A4 article in yesterday's early edition incorrectly said she had made such a request."

I hope that clears up any confusion or misconception you might have had from reading the Star-Bulletin article. If you have any questions or concerns, please feel free to call me at 586-4997.

"2) Page 16 relating to the Hawaii Health Systems Corporation (HHSC), states that the DHS has failed to provide sufficient information to House Finance to identify the amount of additional Federal funds that can be recovered by the HHSC. The report also states that the DHS has not provided information on how DHS intends to create a mechanism to recover these Federal funds for use by the HHSC. To the contrary, DHS has provided unfettered access for the Finance Committee to contact our expert in D.C., Mr. Charles Miller of Covington and Burling, who drafted the subject Medicaid State Plan Amendment and the DSH-like QUEST 1115 Waiver Amendment for DHS based on HHSC losses. Below is an email from Mr. Charles Miller to whom we have given House Finance direct access to regarding questions on HHSC and Medicaid. There has been no failure to communicate and Mr. Miller has confirmed that we do not yet have the definite answers to the House Finance questions as conveyed in the emails below.

"Miller, Charles" <cmiller@cov.com>  
02/25/2005 04:27 AM  
To  
"Michael Ng" <ng@capitol.hawaii.gov>  
cc

Subject  
RE: DHS, DSH, HHSC, etc.

Michael--I have been away and apologize for the delay in responding to your questions. Here is what I know:

1. At this point we do not know for sure the extent to which we will be able to secure reimbursement for past HHSC losses. It will depend on the final terms and conditions from CMS, which we are still waiting for.

2. We do not know if and when we will receive federal approval. Therefore, it is not possible to rely on our ability to implement the payment system covered by the waiver amendment by July 1, 2005.

3. The waiver amendment covers reimbursement for hospital services to the uninsured. The other two areas for securing additional Federal financial participation (FFP) were hospital services to Medicaid-eligibles and nursing home services to Medicaid-eligibles. Both of these are covered by the state plan amendments that have already been approved and are being implemented.

Charles Miller  
-----Original Message-----  
From: Michael Ng [mailto:ng@capitol.hawaii.gov]  
Sent: Friday, February 18, 2005 6:09 PM  
To: Miller, Charles  
Subject: DHS, DSH, HHSC, etc.

Aloha, Charles. I had a few questions regarding the DSH-like payments for Hawaii, and I was hoping you could find time in your busy schedule to answer them.

1. Can the State of Hawaii receive reimbursement for prior years' losses? It looks like HHSC and DHS intend to start receiving these as early as the upcoming fiscal year (beginning July 1, 2005). Can the State receive any reimbursement for the general fund subsidy it has been paying?

2. Can you see any reason why this will not be up and running by July 1, 2005? (If so, what might be some reasons?)

3. I seem to recall that DSH-like payments were one of three ways that HHSC wasn't capturing all of the federal resources that it could. Do you remember what the other two were, and what the savings might be?

Thanks once again for all of your help, Charles. I know you're busy and I apologize for taking your valuable time. Please respond when it's most convenient.

"Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. I'd like to address some points made by the speaker. UH's proposed scholarship program will not make a university education more accessible. It will allow recipients to get a tax deduction. It will convert tuition waivers from the marching band, athletes, cheerleaders, jazz dancers, and foreign students to scholarships. And they will continue to provide tuition waivers to the needy.

"Let me tell you what this budget does do for the University. It reflects our genuine effort to continue to provide access to quality, post-secondary education for the residents of Hawaii which will indeed result in a better quality of life for us all.

"This budget commits \$7.9 million of new money to our community colleges which is in recognition of an important role that community colleges play in preparing students for entry-level employment, upgrading current levels of proficiency and developing and strengthening basic skills. We are: one, expanding existing programs geared toward workforce development; two, implementing 2 new baccalaureate programs at Maui and Honolulu Community Colleges; three, improving and expanding opportunities for students needing remedial and developmental education, instruction in areas of English and math; four, providing first-class information technology infrastructure for instructional programs; and five, increasing campus security for the safety and well-being of all the students, faculty, and staff. Our investment will pay off ten times over. It will result in fewer people on welfare, reduced crime, reduced incarceration, improved health habits, and increase tax revenues.

"The University of Hawaii in Hilo will receive \$5.3 million of new money. UH Hilo's a rosebud waiting to blossom. It could be so much more if we only provided a little nurturing. The Big Island has the highest unemployment rate, highest percentage of persons in poverty, highest percentage of ice users, increased rate of domestic violence, the lowest per capita income, and the lowest median household income. UH at Hilo is an important economic engine for the economy of the Big Island and the State of Hawaii.

"Over the next decade, the classrooms and labs at the UH Hilo will produce well-prepared businesses and professional leaders and skilled technicians so badly needed for Hawaii's economic growth. \$5.3 will allow this rosebud to bloom and fulfill its potential. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I wanted to stand in strong support. And I specifically wanted to thank the Chair and Vice Chair of the Finance Committee. And specifically we wanted to thank them for including in the budget, the \$7 million for treatment and prevention money which was not included in the Executive budget. The \$7 million was part of the Act 40 and the Administration and the Department took a long time before they released a lot of the funds.

"A lot of the \$7 million goes toward treatment and prevention for our young adults, the high schools and middle schools. And specifically there are about 13 high schools still without any type of treatment facilities at the schools. One example, Radford has close to about 70 to 90 students who are on the wait list that wants to get treated and who still haven't been able to have access to these programs. It's very important. We cannot treat the ice epidemic as something that we can do on a one-time funding basis. If we have a commitment towards fighting ice, we need to make a commitment throughout the years. I would like to ask if I could insert the rest of my comments in the Journal," and the Chair "so ordered."

Representative Luke's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 100.

"The problem of ice in Hawaii is an ever-growing threat to the health and vitality of our society. Over the last two years, the work of the Legislature's joint House-Senate task force on ice and drug abatement, with the help of law enforcement, expertise of health and rehab organizations, and community input made great strides in addressing the issue of ice. This collaboration resulted in the passage of Acts 40 and 44 during the 2004 Legislative session. Those two acts provided funding for a comprehensive network of programs and services to prevent ice abuse in particular and to provide rehabilitative alternatives to those afflicted by addiction. It is disheartening, then, that the same administration that trumpeted its role in the effort against ice use refuses to release the funds that the Legislature has expressly authorized for that purpose.

"The Legislature's continued commitment to control the growing use of ice was demonstrated by three joint hearings by the Senate and House Judiciary Committees on the island of Hawaii to hear concerns and questions from communities hardest hit by the epidemic. The Legislature heard these communities struggling to support loved ones who succumbed to the terrible addiction while worthwhile program resources were stretched thin to accommodate burgeoning caseloads with little or no funding. Despite these desperate cries for help, the money required for immediate relief has not been released by this Administration. I am extremely disappointed by these delays and am deeply concerned that these delays have negatively impacted communities across the State.

"This budget includes much needed funding for the treatment and prevention services necessary to fight the Ice epidemic in our State. The Legislature fully intends to fulfill our promise to help. Thank you."

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

"Essentially, I rise with reservations. I first of course want to thank the Finance Committee Chair and Vice Chair, the Committee members, and especially the staff for putting together this budget and it wasn't easy. I just wish I had a little more time to review it.

"I guess my concerns are similar to the other Minority Members but my top concern is that it seems like we've left out

a very important group in our budget and that's the disabled veterans.

"Mr. Speaker, we honored members of the Marines that did not make it back home. Excuse me. The leader of this unit is from district. He was shot before that helicopter went down so he did not die. I was able to host him and his wife in my office yesterday. And she was so happy that he was there. And he was very fortunate to be there as well. There were supposed to be twenty other men in my office yesterday, Mr. Speaker, but many of them are handicapped now because of the war. Many of them cannot see. Many of them cannot hear. Many of them were depressed because they have lost their friends, depressed because of what they have gone through. So it is my hope that although my bills for the disabled, excuse me Mr. Speaker, were not honored in this Legislature, I hope that we continue to honor those not just that are dead at the cemetery, not just those that are serving at Iraq, but those that don't have arms, that those don't have legs, that those that cannot live their lives the way they were before they went to war. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support with some reservations. Many of my reservations have already been articulated by Members of the Minority over here. But I have concerns about the money that the House draft has in it for the ice problem. I just want to point out that while the House draft has \$10.5 million in each year of the biennium, that's in addition to over \$22 million that is already in the budget for the Department of Health for treatment and prevention. So we're talking about almost \$33 million.

"In the Committee Report, I'll just draw your attention to page 11. It says, 'The Committee finds that effective crime reduction depends in part upon the effectiveness of drug treatment programs and thus has appropriated \$200,000 to fund two temporary positions in the Alcohol and Drug Abuse Division of the Department of Health for a substance abuse treatment monitoring program. This goes to accountability. I believe that we are somehow trying to fill up the *puka* in the ice addiction thing with lots of cash. I think that this is the 'cart before the horse'. We need to have some kind of monitoring done as to the effectiveness of some of these programs before we appropriate such large sums of money.

"The Governor I think has taken a prudent step. She had in her budget \$3.5 million in each year. This is additional money over the \$22 million in the Department of Health. And \$720,000 of that would have funded a program for treatment to four public high schools. But we've just jumped into this with, in a big way, with \$5.5 million over the two-year period for treatment for thirteen high schools and fifteen middle schools. I don't know, I haven't heard the kinds of numbers that the Chair of the Judiciary just spoke of for one high school. I think the middle school, yes, there should be treatment available but I think more emphasis on prevention. Treatment is very costly. One of the problems with some of the ice money that was appropriated from Act 40 was the schools were not ready for treatment programs. They needed people to evaluate the students and they didn't have anybody or they had a lack of people that could do that.

"So I think we're sort of feeling our way through this. We all are on the same page as far as wanting to make an impact to improve people's lives and save young people from lives of addiction and eventual criminal and maybe death. But I think we have to take a prudent, prudent path. And I realize as the Chair of Finance always says, this is a work in progress and that's certainly true. But I think that we must be careful with the taxpayers' money. Thank you."



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

"Thank you, Mr. Speaker. I rise in support of this measure. I'd first like to ask that the words of the Higher Ed Chair be entered into the Journal as if they were my own," and the Chair "so ordered."

Representative Takai continued, stating:

"Thank you. Mr. Speaker, if today was the last day of Session, I would say this, that this bill is a solid product. And by the way Mr. Speaker, I appreciate all the hard work by your Chairman of Finance and Vice Chair and the members of the Finance Committee. This is a solid piece of work. I know that I'm very proud of this particular draft. And if it was to be the final product of this Session, I think we could go home to our communities and be very proud with this particular measure.

"I did want to add Mr. Speaker, some of my comments in regards to the Minority Leader's concerns regarding the elimination of \$20 million for scholarships. We've worked with the University last year to create the Student Scholarship Special Fund. In fact Mr. Speaker, when we created that, the people on the other side of the aisle criticized us for creating that Fund. But last year we were told that that Fund needed no general fund monies. In fact they were going to use tuition fund monies and move what they currently give in tuition waivers into this fund to provide scholarships.

"We know Mr. Speaker that the University currently provides \$5 million a year in need-based scholarships, a total of \$20 million a year for scholarships and a total of \$25 million a year for nonresidential tuition waivers. The point here Mr. Speaker, is that this \$20 million that the Governor proposed in her budget would have not added one additional scholarship dollar to the equation. In fact Mr. Speaker, they're talking about increasing the tuition by about \$105 million. And the commitment by the University, if that goes through, is to add on to of the \$5 million currently given for need-based scholarships, another \$15 million. So they, the University will provide to our people \$20 million in tuition waivers/scholarships.

"We provided the mechanism for the University to provide scholarships last year. This money if we were to give it to them would basically just sit in this Fund and just waste time. If it were new scholarships that we're providing, that's a different story. But we're talking about and what the Governor proposed and the University was talking about was just switching tuition waivers that they're currently giving to scholarships. No additional scholarships. No additional tuition waivers. And I think it was a prudent approach by Finance not to provide that \$20 million. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. I'd like to address the concerns of the Department of Human Services' Director regarding a certain proviso that's inserted into the bill. I was not aware of that proviso until the letter that was read earlier by the Representative from the other side of the aisle which is actually her letter which was sent to my office yesterday. I can only guess that the proviso is that they are limiting transfers between the programs because of certain information that was requested of the Department and was not received by Finance and also from your Chair of Human Services. We've scheduled many appointments with the Director, more especially to discuss the spending of TANF funds.

"Mr. Speaker and Members, there is a pending audit by the federal government regarding the way the State has been spending our TANF funds. There is also a movement in our own House to have a State audit done to ensure that we are in compliance with all federal rules and regulations.

"The Director has been very difficult to get a hold of for appointments. For example, she has cancelled or rescheduled five appointments in January, but kept one. On February 25, she was a no-show with a meeting scheduled between Senator Oakland, who is the Chair of Human Services on the Senate side and myself, your Chair for the House Committee on Human Services.

"One other thing that really concerns your Chair, Mr. Speaker. There are some regulations that were handed to me today which really confirms that there may be some problems in the way we spend our TANF funds. It was disclosed that we had about \$113 million in our reserve fund. And that \$113 million is actually spent down to a negative number with the Executive budget if we were to comply with everything that was requested in the Executive's budget.

"Let me read to you Mr. Speaker, what concerns me regarding the limitations on expending of the reserve funds. This is an opinion of the rules and regulations. I guess this is dated April 12, 1999.

"After careful reading of Section 403, we have determined that the statute limits the State's ability to spend reserve money in a couple of very important ways. First, a state may expend reserve money only on benefits that meet the definition of assistance.

"Mr. Speaker, if the reserve funds are limited to assistance, then an example of a noncompliance for this particular limitation is a MOA with the Lt. Governor's Office in where a \$1 million was transferred to the Lt. Governor's Office in order to meet another TANF fund purpose which is to prevent teenage pregnancies. And also the money that was transferred to the Culture and the Arts would be in violation of this particular expending limitations on our reserve funds.

"Second, the State may spend reserve funds only in assistance provided within its TANF program."

Representative Tanaka rose to yield his time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"This level of limitation precludes the State from transferring reserve funds to either the SSBG or the discretionary fund of the CCDF. So clearly Mr. Speaker, there is some worry on both the Finance Committee and the House Human Services on the use of TANF funds. And that is probably one of the reasons why a proviso was inserted therein.

"That proviso Mr. Speaker, is on this bill which is a work in progress. It can be and will be removed as information trickles in from the Department. And with that Mr. Speaker, I hope it clarifies the purpose or the reason why it may be there. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. It is my second time. And I want to address part of the UH budget too.

"In the budget Committee Report, the need for transparency in the budgeting process was emphasized again. And this Committee Report says that, 'Your Committee finds that the

State Administration's lump sum budgeting of UH under the guise of autonomy does a disservice to the people of Hawaii. Autonomy at the price of transparency serves no one: neither the student, nor faculty, nor the general public. There must be accountability for the use of taxpayer money.'

"Well Mr. Speaker, the Administration's budget was based on the University's biennium budget request. So it's what they asked for. That request is available to the public and contains complete details on what is needed and where the specific amounts will be used. The University went through an elaborate stocktaking exercise on every campus over the past year. The stocktaking included students, faculty, and administrators and their priorities became the University's biennium budget priorities. The Committee's recommendation is actually an insult, I believe to the students, faculty, and administration of the University of Hawaii. It says, 'We know better than you do what you need, and we are disregarding your stocktaking process. And we don't trust you to use the money wisely.'

"Despite all the rhetoric Mr. Speaker, regarding the Majority Party's desire for greater autonomy for UH, the truth is very transparent. You do not want it. I have to wonder out loud whether special appropriations for UH campuses contained in HD 1 would be given the same priority if the UH were permitted to make its spending decisions on their own, with autonomy.

"This is not to say that these appropriations are not worthy. But it should be up to the UH to determine where the funding is spent. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. With reservations but a rebuttal. For the second time.

"I believe that the Director of Human Services did not use the reserve fund to pay for the Lt. Governor's media campaign on drug abuse. Nor did she use the reserve fund for the State Culture and the Arts programs. What she did use however was the money that was intended to have the flexibility which is the first year that you receive these TANF funds. When you don't use it within that year, then the money transfers over to a reserve in which you can only use it for assistance. So that's one of my concerns in regards to having us have so much say in TANF because we don't completely understand how it works.

"Reading from the Helping Families Achieve Self-Sufficiency: A Guide on Funding Services for Children and Families Through the TANF Program. This is done by the Department of Health and Human Services Administration of Children and Families Office of Family Assistance. It talks about the flexibility of using these TANF funds before it goes into the reserves. And it says one of the uses is to prevent and reduce the incidence out-of-wedlock pregnancies and establish annual numeric goals for preventing the incidences of these pregnancies. It talks about a section under that that says a state may also fund a media campaign for the general population on abstinence, general population on abstinence or preventing out-of-wedlock child bearing. It also goes into other flexibilities about using it for mental health and drug abuse. So this is where I think she gets her information as to the allowance of when you can use these funds.

"So just for clarification purposes, I believe that she did not use the reserve funds. That she is in compliance with how the funds should be spent. Thank you."

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

"Thank you very much, Mr. Speaker. In support of the bill. I'd like to commend of course, as everyone has, the Finance Committee Chair and Vice Chair and all the Committee members on the Committee for putting together this document. After all Mr. Speaker and I've said this before, a budget is not just a compilation of numbers but it really is a moral document. It embodies the values that we share as a community and it shows what priorities we have. And I'm glad your Finance Committee, its Chair and Vice Chair have put the emphasis on education.

"I'd like to respond to my good friend and colleague, the Representative from Moanalua. And by the way, I'm really glad she said that Act 51 is important because just nine months ago, everyone on the other side by their votes, certainly didn't indicate it was an important Act, so I thank her for that.

"But that said Mr. Speaker, the DOE's budget, what they requested and subsequent to the Board of Education's request, totaled \$82 million more than what the Executive budget reflected. Now in this budget you see before you, there's a restoration of approximately \$40 million and the Representative from Moanalua is absolutely correct that there are certain budget items such as the Felix related services and student transportation that fall short of what the Department needs. In others, it was fully restored such as in food services.

"But I'm reminded of former Governor Ann Richards of Texas who once said that, 'If you can't fill the till, then don't pass the bill.' And I think at this point, the Finance Committee could only fund what's in the till. Now as a result of today's report by the Council on Revenues, I'm confident that perhaps we've more resources that we can allocate to education as we go along in the process because, as the Finance Chair have said, this is a work in progress. And I am confident that we will be able to fully fund the Department to the degree that they've requested.

"Lastly Mr. Speaker, in the Executive budget, despite the Lingle/Aiona Administration's support for Charter Schools, their budget was sorely lacking. I commend the Finance Committee for increasing the Charter School budget by \$1 million. It's still less than what they have come in to ask for. And again, I'm hopeful that by the end of Session, we will be able to increase that amount and hopefully with the support of the Lingle/Aiona Administration. Thank you very much."

The Chair then stated:

"Thank you very much. Members, we've had a lot of discussion. For those of you who would like to submit written comments in support or with reservations, you may do so now."

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

Representative Ching's written remarks are as follows:

"We continue to see the need for services that affect the entire State and appropriating funds is again a daunting task. The Administration has made an effort in presenting an adequate budget proposal with appropriation to many of our states needs along with matching the funds requested by DOE. We should allow professionals within the field of their expertise decide how the money should be spent and resist the temptation of micro-management. The State budget proposal is having much more success in increasing federal revenue maximization to get more federal dollars into foster care and adoption assistance. There has been a dramatic increase in

federal funds under this Administration, from \$9.6 million dollars in 2002 to 19.6 million dollars in 2005."

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

The motion was put to vote by the Chair and carried, and H.B. No. 100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 51 ayes.

At 7:45 o'clock p.m., the Chair noted that H.B. No. 100, HD 1, passed Third Reading.

#### END OF CALENDAR

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 871) recommending that H.B. No. 329, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 329, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Moses offered Floor Amendment No. 1, amending H.B. No. 329, HD 1, as follows:

SECTION 1. House Bill No. 329, House Draft 1 is amended by amending subsection (h) of Section 1 of the bill to read as follows:

"(h) For the purposes of this section:

"Adopted child" means a child who is placed with the taxpayer by an authorized placement agency (as determined by the department of taxation) for legal adoption and is an adopted child even if the adoption is not final.

"Eligible foster child" means any child who is cared for by the taxpayer as the taxpayer's own and is placed with the taxpayer by an authorized placement agency (as determined by the department of taxation).

"Eligible taxpayer" means a person who qualifies for the tax deduction under paragraph 235-7(a)(7) or an active duty member of the armed forces listed under paragraph 235-7(a)(7) and claims a qualifying dependent.

"Qualifying dependent" means a child who:

- (1) Is under age eighteen at the end of the year that the tax credit is claimed;
- (2) Has resided with the taxpayer for the entire year the tax credit is claimed;
- (3) Is a citizen or resident alien of the United States;
- (4) Is claimed as a dependent by the taxpayer and is related to the taxpayer as a:
  - (A) Son, daughter, stepson, stepdaughter, or adopted child, or a descendant of a son, daughter, stepson, stepdaughter, or adopted child, who is cared for by the taxpayer as if the child was the taxpayer's own child;
  - (B) Brother, sister, stepbrother, or stepsister, or the child or grandchild of a brother, sister, stepbrother, or stepsister who is cared for by the taxpayer as if the child was the taxpayer's own child; or
  - (C) Eligible foster child;"

Representative Moses moved that Floor Amendment No. 1 be adopted, seconded by Representative Thielen.

Representative Moses rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. This bill before us is a great bill to honor our National Guard and Reservists and to give them a tax credit basically for any children they have. It's a good idea. It's very good. We always like the tax credits, especially for dependent children. However, it leaves out one great section of our military, it leaves out active duty military.

"In our discussion yesterday, Lt. Gregson, who is the three-star general that was talking to us yesterday at the memorial service. I asked him about this, 'How many of your Marines do you think are residents of Hawaii, they live here?' And he said a great many of them. Of course he didn't have any numbers. This was just at the ceremony yesterday. But I'm sure if we ask the Navy and the Air Force and the Army, we'd get the same response. There are many active duty members that are from Hawaii. They don't get a tax credit under this measure.

"I wish the Body would adopt this amendment. All it does is add the fact that active-duty members would also get the same thing. That way we would not be discriminatory because now of course it really is. Thank you, Mr. Speaker."

Representative Takai rose to speak in opposition to the proposed floor amendment, stating:

"Can I rise against the motion? Thank you, Mr. Speaker. Just briefly. There are two concerns that I have, Mr. Speaker. The first one, and I understand now what the author meant in terms of this particular amendment. But on page 3 of his amendment, line 19, it cites a HRS, paragraph 235-787. That particular paragraph Mr. Speaker pertains only to National Guard and Reservists. So this amendment is faulty because it doesn't accomplish what the author has suggested verbally.

"Secondly Mr. Speaker, if you take a look at page 4, line 19; and then going on to page 5, lines 1 and 2, there's a flaw in this particular measure. These words, lines 19 to the next page line 2, should have been underlined. Mr. Speaker, I think this measure should not move forward. Thank you."

Representative Halford rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In favor. Mr. Speaker, the flaws pointed out are very technical and minor. And many of the bills we've passed today have substantially greater flaws than that. The intention is good. This is solid. And any minor technicality can be repaired as it moves through the process."

Representative Sonson rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, listening to the debate and the information. In opposition, Mr. Speaker. My concern is regarding the cost implications. We don't have any numbers. The Lt. General doesn't have any numbers. And if the purpose is to include all resident military, I think we should have further information for the debate. Maybe we could take a look at this next year."

Representative Halford rose to respond, stating:

"Mr. Speaker, we passed a bill out of this Legislature proposing to buy land in Wahiawa."

The Chair then stated:

"Representative Halford, the motion before us is the proposed floor amendment.

Representative Halford continued, stating:

"I understand. I was just addressing the issue that we don't have exact, precise figures. And I wanted to relate that passed a bill that likely will cost \$50 or \$60 million to purchase a couple thousand acres in Wahiawa and less other details missing too. We can get the details, Mr. Speaker."

Representative Moses rose to respond, stating:

"Mr. Speaker, thank you. I just want to tell the Body, I'm willing to accept a friendly amendment from the Vice Speaker and move this bill along. And I will accept the amendments that he offers. Thank you, Mr. Speaker."

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, as the seconder to the motion, I would accept those amendments too. The point is, and I say this to Representative Sonson, I'm sorry I don't know his district, we want to be fair to our military. Whatever number it is. Whatever number that comes forth, we want to be fair to them. And that's what this bill does.

"The other thing is, I know that there have been a number of bills that we passed, one from the Labor Committee, one from the Judiciary Committee where those Chairs recognized, okay there are flaws, there are problems, we'll correct them as they go through. Don't hit us with technicalities. The point is are we going to be fair to our military, Mr. Speaker. That's what this bill does."

The Chair then stated:

"Representative Thielen, your point is well taken."

The motion that Floor Amendment No. 1, amending H.B. No. 329, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," be adopted, was put to vote by the Chair and failed to carry.

(Main Motion)

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

"Thank you, Mr. Speaker. I'm in support with reservations. My reservation is this bill discriminates against Hawaii residents that are full-time members of the military. The bill also provides that some Hawaii taxpayers who serve in the military are given a tax credit while others in uniform do not. It isn't enough to serve your country. This bill would make those that are serving full time forego a benefit that National Guard and Reserves would receive. Do we value the sacrifices that one group of our military is making over another?

"Let me remind you, Mr. Speaker, all those Marines that died that we honored yesterday were full-time members of the Marine Corps. They were not National Guard or Reservists. If the answer is yes, that we want to value one group over another, then we should vote strictly in favor of this bill and not make any amendments as it moves along. If the Legislature wishes to use this tax credit to show an appreciation for Hawaii residents serving in the military, then this is wrong to move it without any changes. House Bill 329 discriminates against active duty military members who pay their fair share of taxes

as Hawaii residents and are willing to give their lives to defend this State and this nation. Is that what we want Mr. Speaker? I think not."

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

"In support with reservations. I just want to point out that it's entirely ironic that while we took pictures in front of the empty boots yesterday and wept with the families who were crying over their loved ones, today we're not even honoring the active Military Marines."

Speaker Say: "Representative Pine, that is not before us at this point."

Representative Pine: "My reservation, I'm sorry, I apologize."

Speaker Say: "We already had the floor amendment that was defeated. So let's proceed on."

Representative Pine: "I understand that. I'm rising in support with reservations of this particular bill that does not include the Marines. I apologize. And just to explain myself. So that's my reservations. As I mentioned, the men that were in my office, they were local boys, born and raised. And they were in the Marines. And this bill would not include them. Thank you."

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

"I rise to disclose a potential conflict of interest. I am a proud officer in the Hawaii Army National Guard and I do have children," and the Chair ruled, "no conflict."

Representative Takai continued, stating:

"Thank you, Mr. Speaker. Just briefly, Mr. Speaker. We introduced about 72 bills in the military appreciation package. Maybe this bill doesn't address the active duty forces but we have many other bills still alive that address all military, and I think that should be the focus. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 329, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading by a vote of 51 ayes.

At 7:56 o'clock p.m., the Chair noted that the report of the Committee was adopted and that H.B. No. 329, HD 1, passed Third Reading.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 895) recommending that H.B. No. 1015, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1015, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Fox offered Floor Amendment No. 2, amending H.B. No. 1015, HD 2, as follows:

SECTION 1. House Bill No. 1015, House Draft 2, is amended by amending Section 2 of the bill to read as follows:

"SECTION 2. Section 342G-101, Hawaii Revised Statutes, is amended as follows:

1. By adding three new definitions to be appropriately inserted and to read:

"Commercial passenger vessel" means any domestic or foreign-flagged marine vessel or air carrier used primarily for transporting persons to, from, or within the state. The term does not include:

- (1) Marine vessels authorized to carry fewer than fifty passengers; or
- (2) Marine vessels for hire that do not provide overnight accommodations for at least fifty passengers, determined with reference to the number of lower berths and based on an average of two persons per cabin.

"Comprehensive residential recycling program" means a county-wide recycling program in which residential recyclable material is collected from a majority of the county's residents and:

- (1) Received by an approved in-state company for an approved end use recycling;
- (2) Received by a department-permitted recycling facility; or
- (3) Transported out-of-state.

"Patron" means a person who buys a beverage in a deposit beverage container for use or consumption and does not pay the deposit.

2. By amending the definitions of "consumer", "dealer" and "on-premises consumption" to read:

"Consumer" means a person who buys a beverage in a deposit beverage container for use or consumption ~~and pays the deposit~~.

"Dealer" means a person who engages in the sale of beverages in deposit beverage containers to a consumer ~~for off-premises consumption in the State~~.

"On-premises consumption" means ~~to consume~~ the consuming of deposit beverages by a ~~consumer~~ patron immediately and within the area under control of the establishment, including bars, restaurants, passenger ships, and airplanes.

3. By repealing the definitions of "on-premises consumption", "recycling facility", "redeemer", "redemption center", "redemption rate", "refillable beverage container", and "reverse vending machine".

~~["On-premises consumption" means to consume deposit beverages by a consumer immediately and within the area under control of the establishment, including bars, restaurants, passenger ships, and airplanes.~~

~~"Recycling facility" means all contiguous land and structures and other appurtenances, and improvements on the land used for the collection, separation, recovery, and sale [or] reuse of secondary resources that would otherwise be disposed of as municipal solid waste, and is an integral part of a~~

~~manufacturing process aimed at producing a marketable product made of postconsumer material.~~

~~"Redeemer" means a person, other than a dealer or distributor, who demands the refund value in exchange for the empty deposit beverage container.~~

~~"Redemption center" means an operation which accepts from consumers and provides the refund value for empty deposit beverage containers intended to be recycled and ensures that the empty deposit beverage containers are properly recycled.~~

~~"Redemption rate" means the percentage of deposit beverage containers redeemed over a reporting period. The percentage is calculated by dividing the number of deposit beverage containers redeemed by the number of deposit beverage containers sold and then multiplying that number by one hundred.~~

~~"Refillable beverage container" means any deposit beverage container which ordinarily would be returned to the manufacturer to be refilled and resold.~~

~~"Reverse vending machine" means a mechanical device, which accepts one or more types of empty deposit beverage containers and issues a redeemable credit slip with a value not less than the container's refund value. The refund value payments shall be aggregated and then paid if more than one container is redeemed in a single transaction."}]~~

SECTION 2. House Bill 1015, House Draft 2, is amended by adding five new sections, and renumbering subsequent sections accordingly, to read as follows:

"SECTION 3. Section 342G-102, Hawaii Revised Statutes, is amended to read as follows:

**"§342G-102 Deposit beverage container fee.** (a) Beginning on October 1, 2002, every deposit beverage distributor shall pay to the department a deposit beverage container fee on each polyethylene terephthalate, high density polyethylene, or metal deposit beverage container manufactured in or imported into the ~~[State.] state~~. The fee shall be imposed only once on the same deposit beverage container. The fee shall be 0.5 ~~[cents] cent~~ per deposit beverage container.

(b) Beginning on October 1, 2004, every deposit beverage distributor shall pay to the department a deposit beverage container fee on each deposit beverage container manufactured in or imported into the ~~[State.] state~~. The deposit beverage container fee shall not apply to deposit beverage containers exported for sale outside of the ~~[State.] state~~. The fee shall be imposed only once on the same deposit beverage container. The fee shall be 1 cent per deposit beverage container.

(c) No county shall impose or collect any assessment or fee on deposit beverage containers for the same or similar purpose that is the subject of this chapter.

~~[(d) Beginning January 1, 2005, and every August 1 thereafter, the department shall notify deposit beverage distributors in writing of the amount of the deposit beverage container fee. The effective date of changes to the fee amount shall be September 1. The fee shall be based on the redemption rate calculated annually based on the redemption rate information submitted to the department for the previous period of July 1 through June 30. The fee amount shall be as follows:~~

- (1) ~~If the redemption rate is seventy per cent or less: 1 cent per container; and~~

- (2) ~~If the redemption rate is greater than seventy per cent: 1.5 cents per container.]~~"

SECTION 4. Section 342G-104, Hawaii Revised Statutes, is amended to read as follows:

"**§342G-104 Deposit into deposit beverage container [deposit] special fund; use of funds.** (a) There is established in the state treasury the deposit beverage container [deposit] special fund, into which shall be deposited:

- (1) All revenues generated from the deposit beverage container fee as described under sections 342G-102 and 342G-105;

~~[(2) All revenues generated from the deposit beverage container deposit as described under sections 342G-105 and 342G-110;] and~~

~~[(3)](2)~~ All accrued interest from the fund.

(b) Moneys in the deposit beverage container [deposit] special fund shall be used to reimburse ~~[refund values and pay handling fees to redemption centers. The department may also use the money to:]~~ the department for administering this part and to provide moneys to any county that has certified in writing to the department that it has implemented a comprehensive residential recycling program. The department shall distribute the moneys to the qualifying counties monthly on a per capita basis. A county that receives a portion of the deposit beverage container special fund shall use the money to:

- (1) Fund administrative, audit, and compliance activities associated with ~~[collection and payment of the deposits and handling fees of the deposit beverage container]~~ the comprehensive residential recycling program;
- (2) Conduct recycling education and demonstration projects;
- (3) Promote recyclable market development activities;
- (4) Support the handling and transportation of ~~[the deposit beverage containers]~~ recyclable material to end-markets;
- (5) Hire personnel to oversee the implementation and administration of the ~~[deposit beverage container]~~ comprehensive residential recycling program, including permitting and enforcement activities; ~~and]~~
- (6) Fund associated office expenses~~[-]; and~~
- (7) Advance any other purpose deemed necessary by the county to support its comprehensive residential recycling program."

~~[(c) Any funds that accumulate in the deposit beverage container deposit special fund shall be retained in the fund unless determined by the auditor to be in excess, after adjustments to the deposit beverage fee, pursuant to the management and financial audits conducted in accordance with section 342G-107.]~~"

SECTION 5. Section 342G-105, Hawaii Revised Statutes, is amended to read as follows:

"**[(§)342G-105]** **Deposit beverage container inventory report and payment.** (a) Beginning October 1, 2002, payment of the deposit beverage container fee ~~[and deposits as described in section 342G-110]~~ shall be made monthly based on inventory reports of the deposit beverage distributors. All deposit beverage distributors shall submit to the department documentation in sufficient detail that identifies:

- (1) The number of beverages in deposit beverage containers~~[- by container size and type,]~~ manufactured in or imported ~~[to]~~ into the ~~[State;]~~ state; and

- (2) The number of these deposit beverage containers~~[- by container size and type,]~~ exported ~~[and intended]~~ for ~~[consumption out]~~ sale outside of the ~~[State]~~ state during the reporting period.

(b) The amount due from deposit beverage distributors shall be the net number of deposit beverage containers imported into or manufactured ~~[into]~~ in the ~~[State]~~ state (the total number of containers imported or manufactured less the total number of containers exported for ~~[consumption]~~ sale outside of the ~~[State]~~ state) multiplied by the ~~[sum of the prevailing]~~ deposit beverage container fee ~~[and the refund value of 5 cents].~~ Payment shall be made by check or money order payable to the "Department of Health, State of Hawaii". All inventory reports and payments shall be made no later than the fifteenth day of the month following the end of the payment period of the previous month."

SECTION 6. Section 342G-107, Hawaii Revised Statutes, is amended to read as follows:

"**[(§)342G-107]** **Management and financial audit.** The auditor shall conduct a management and financial audit of the program for fiscal years 2004-2005 and 2005-2006, and for each fiscal year thereafter ending in an even-numbered year. The auditor shall submit the audit report, including ~~[the amount of unredeemed refund value and]~~ recommendations, to the legislature and the department no later than twenty days prior to the convening of ~~[the]~~ next applicable regular session. The costs incurred by the auditor for the audit shall be reimbursed by the deposit beverage container program special fund. The auditor may contract the audit services of a third party to conduct the audit."

SECTION 7. Section 342G-111, Hawaii Revised Statutes, is amended to read as follows:

"**§342G-111 Sales of beverages in deposit beverage containers; distributor report; fee [and deposit payment].** (a) By January 1, 2005, every deposit beverage distributor who pays a deposit beverage container fee to the department shall charge the dealer or consumer a deposit ~~[equal to the refund value]~~ beverage container fee for each deposit beverage container sold in Hawaii. ~~[The deposit charge may appear as a separate line item on the invoice.~~

~~(b) Each dealer shall charge the consumer the deposit beverage container deposit at the point of sale of the beverage, excluding sales for on-premises consumption. The deposit charge may appear as a separate line item on the invoice.~~

(e) ~~(b)~~ Each deposit beverage distributor shall generate and submit to the department a monthly report on:

- (1) The number of deposit beverage containers~~[- by container size and type,]~~ manufactured in or imported into the ~~[State;]~~ state; and

- (2) The number of deposit beverage containers~~[- by container size and type,]~~ exported ~~[and intended for consumption out]~~ for sale outside of the ~~[State]~~ state during the reporting period.

All information contained in the reports, including confidential commercial and financial information, shall be treated as confidential and protected to the extent allowed by state law.

~~[(d)] (c)~~ Payment of the deposit beverage container fee [and deposits as described in section 342G-110] shall be made monthly based on reports of the deposit beverage distributors under subsection ~~[(e)-]~~ (b).

~~[(e)] (d)~~ Beginning January 1, 2005, a deposit beverage distributor who annually imports or manufactures one hundred thousand or fewer deposit beverage containers may submit reports and payments required under subsections (b) and (c) ~~and (d)~~ on a semi-annual basis; provided that the semi-annual report and payment period shall end on June 30 and December 31 of each year.

~~[(f)] (e)~~ The amount due from a deposit beverage distributor shall be the net number of deposit beverage containers sold multiplied by the ~~[sum of the prevailing]~~ deposit beverage container fee ~~[and the deposit value of 5 cents]~~. Payment shall be made by check or money order payable to the "Department of Health, State of Hawaii". All reports and payments shall be made no later than the fifteenth day of the month following the end of the previous payment period.

~~[(g) The department may allow dealers to charge customers the refund value beginning November 1, 2004; provided that the deposit beverage containers are clearly marked with the refund value and the deposit beverage distributor has paid the refund value on each container to the department. The dealer shall inform customers that the deposits paid prior to January 1, 2005, shall not be redeemable until January 1, 2005.]"~~

SECTION 3. House Bill No. 1015, House Draft 2, is amended by adding a new section to read as follows:

"SECTION 10. Section 342G-121, Hawaii Revised Statutes, is amended to read as follows:

"~~[(c)]~~**§342G-121 [3] Audit authority.** The records of the deposit beverage distributor~~[- dealer, redemption center, and recycling facility]~~ shall be made available, upon request, for inspection by the department, a duly authorized agent of the department, or the auditor. Any proprietary information obtained by them shall be kept confidential and shall not be disclosed to any other person, except:

- (1) As may be reasonably required in an administrative or judicial proceeding to enforce any provision of this chapter or any rule adopted pursuant to this chapter; or
- (2) Under an order issued by a court or administrative agency hearing officer."

SECTION 4. House Bill No. 1015, House Draft 2, is amended by adding ten new sections to read as follows:

"SECTION 11. Section 342G-110, Hawaii Revised Statutes, is repealed.

~~["§342G-110] Payment and application of deposits. (a) By January 1, 2005, every deposit beverage container sold in this State shall have a refund value of 5 cents. Each container shall have the refund value clearly indicated on it as provided in section 342G-112.~~

~~(b) The refund value is the amount of the deposit required. Once a refund value has been applied to a deposit beverage container, the deposit on that container may not be changed and shall be paid to the State.~~

~~(c) The deposit on each filled deposit beverage container shall be paid by the deposit beverage distributor, who manufactures or imports beverages in deposit beverage containers. Payment and reporting of the deposits shall be in~~

~~accordance with section 342G-105. The deposits shall be deposited into the deposit beverage container deposit special fund as described in section 342G-104.~~

~~(d) Deposit beverage distributors who are required under subsection (c) to pay a deposit shall also pay a deposit beverage container fee and register with the State."~~

SECTION 12. Section 342G-112, Hawaii Revised Statutes, is repealed.

~~["§342G-112 Deposit beverage container requirements. (a) Except as provided in subsection (b), every deposit beverage container sold in the State shall clearly indicate the refund value of the container and the word "Hawaii" or the letters "HI". The names or letters representing the names of other states with comparable deposit legislation may also be included in the indication of refund value. The refund value on every deposit beverage container shall be clearly, prominently, and indelibly marked by painting, printing, scratch embossing, raised letter embossing, or securely affixed stickers and shall be affixed on the top or side of the container in letters at least one-eighth inch in size.~~

~~(b) Subsection (a) does not apply to any type of refillable glass deposit beverage container which has a brand name permanently marked on it and which has the equivalent of a refund value of at least 5 cents which is paid upon receipt of the container by a dealer or deposit beverage distributor.~~

~~(c) All deposit beverage containers that do not indicate the Hawaii refund value by January 1, 2005, and are intended for sale shall be sold with stickers as specified in subsection (d).~~

~~(d) Stickers that indicate the Hawaii refund value may be purchased from the department from November 1, 2004, to December 31, 2004. Surplus stickers may be redeemed at the department by March 1, 2005. The cost of a sticker shall be equal to the Hawaii refund value."~~

SECTION 13. Section 342G-113, Hawaii Revised Statutes, is repealed.

~~["§342G-113 Redemption of empty deposit beverage containers. (a) Except as provided in subsection (b), a dealer shall:~~

- ~~(1) Operate a redemption center by July 1, 2005, and shall accept all types of empty deposit beverage containers with a Hawaii refund value;~~
- ~~(2) Pay to the redeemer the full refund value for all deposit beverage containers that bear a valid Hawaii refund value; and~~
- ~~(3) Ensure each deposit beverage container collected is recycled, and forward documentation necessary to support claims for payment as stated in section 342G-119 or rules adopted under this part.~~

~~(b) Subsection (a) shall not apply to any dealer:~~

- ~~(1) Who is located in a high density population area as defined by the director in rules, and within two miles of a certified redemption center that is operated independently of a dealer;~~
- ~~(2) Who is located in a rural area as defined by rule;~~
- ~~(3) Who subcontracts with a certified redemption center to be operated on the dealer's premises;~~

- (4) Whose sales of deposit beverage containers are only via vending machines;
- (5) Whose place of business is less than five thousand square feet of interior space;
- (6) Who can demonstrate physical or financial hardship, or both, based on specific criteria established by rule; or
- (7) Who meets other criteria established by the director.

Notwithstanding paragraphs (1) and (2), the director may allow the placement of redemption centers at greater than prescribed distances to accommodate geographical features while ensuring adequate consumer convenience.

(e) Regardless of the square footage of a dealer's place of business, dealers who are not redemption centers shall post a clear and conspicuous sign at the primary public entrance of the dealer's place of business that specifies the name, address, and hours of operation of the closest redemption center locations.

(d) If there is no redemption center within the two mile radius of a dealer due to the criteria described in subsection (b), then the respective county and the State shall determine the need for a redemption center in that area. If a redemption center is deemed necessary, then the State, with assistance from the county, shall establish the redemption center with funding from the deposit beverage container deposit special fund.

(e) Businesses that sell deposit beverages for on-premises consumption, such as hotels, bars, and restaurants, shall collect used deposit beverage containers from the consumer; and use a certified redemption center for the collection of containers, or become a certified redemption center."

SECTION 14. Section 342G-114, Hawaii Revised Statutes, is repealed.

~~["§342G-114 Redemption centers. (a) Prior to operation, redemption centers shall be certified by the department.~~

~~(b) Applications for certification as a redemption center shall be filed with the department of health on forms prescribed by the department.~~

~~(c) The State, at any time, may review the certification of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center and to the dealers served by the redemption center, the State, after it has afforded the redemption center operator a hearing in accordance with chapter 91, may withdraw the certification of the center if it finds that there has not been compliance with applicable laws, rules, permit conditions, or certification requirements.~~

~~(d) Redemption centers shall:~~

- ~~(1) Accept all types of empty deposit beverage containers for which a deposit has been paid;~~
- ~~(2) Verify that all containers to be redeemed bear a valid Hawaii refund value;~~
- ~~(3) Pay to the redeemer the full refund value in either cash or a redeemable voucher for all deposit beverage containers, except as provided in section 342G-116;~~
- ~~(4) Ensure each deposit beverage container collected is recycled through a contractual agreement with an out-of-state recycler or an in-state recycling facility permitted by the department; provided that this paragraph shall not~~

~~apply if the redemption center is operated by a recycler permitted by the department; and~~

~~(5) Forward the documentation necessary to support claims for payment as stated in section 342G-119.~~

~~(e) Redemption centers' redemption areas shall be maintained in full compliance with applicable laws and with the orders and rules of the department, including permitting requirements, if deemed necessary, under chapter 342H."~~

SECTION 15. Section 342G-115, Hawaii Revised Statutes, is repealed.

~~["§342G-115 Reverse vending machine requirements. Reverse vending machines may be used by redemption centers to satisfy the requirements of section 342G-113. Reverse vending machines shall accept any type of empty deposit beverage container and pay out the full refund value in either cash or a redeemable voucher for those containers that bear a valid Hawaii refund value. If the reverse vending machine is unable to read the barcode to calculate the refund value, then the department may specify a delayed date in which the reverse vending machines may be used. The reverse vending machine shall be routinely serviced to ensure proper operation and continuous acceptance of empty deposit beverage containers and payment of the refund value."]~~

SECTION 16. Section 342G-116, Hawaii Revised Statutes, is repealed.

~~["§342G-116 Refusal of refund value payment for a deposit beverage container. Redemption centers shall refuse to pay the refund value on any broken, corroded, dismembered, flattened deposit beverage container, or any deposit beverage container which:~~

- ~~(1) Contains a free flowing liquid;~~
- ~~(2) Does not properly indicate a refund value; or~~
- ~~(3) Contains a significant amount of foreign material."]~~

SECTION 17. Section 342G-117, Hawaii Revised Statutes, is repealed.

~~["§342G-117 Handling fees and refund values for certified redemption centers. (a) The department shall pay to each certified redemption center a handling fee of not less than the prevailing deposit beverage container fee for each deposit beverage container redeemed by a consumer that is:~~

- ~~(1) Transported out of state;~~
- ~~(2) Received by an approved in-state company for an approved end use for recycling; or~~
- ~~(3) Received by a department permitted recycling facility.~~

~~(b) The department shall evaluate the handling fee at least once per year. If the department changes the amount of the handling fee, the department shall publish notice of the change within thirty days of its determination.~~

~~(c) The handling fee shall be paid in addition to the refund value of each empty deposit beverage container. Payments for handling fees shall be based on redemption center reports submitted to the department; provided that there is no discrepancy in the reports. The department may choose to pay the handling fee and refund value on the basis of the total weight of the containers received by material type and the average weight of each container type.~~



~~(d) A handling fee and refund value may only be paid once for each container redeemed by a consumer and claimed by a redemption center in accordance with section 342G-119."~~

SECTION 18. Section 342G-119, Hawaii Revised Statutes, is repealed.

~~["§342G-119 — Redemption center reporting. — The department shall pay certified redemption centers handling fees and refund values as described in section 342G-117, based on collection reports submitted by the redemption centers. All redemption centers shall submit to the department the following information on forms prescribed by the department, which information shall include at a minimum:~~

- ~~(1) The number or weight of deposit beverage containers of each material type accepted at the redemption center for the reporting period;~~
- ~~(2) The amount of refunds paid out by material type;~~
- ~~(3) The number or weight of deposit beverage containers of each material type transported out of state or to a permitted recycling facility; and~~
- ~~(4) Copies of out of state transport and weight receipts or acceptance receipts from permitted recycling facilities. If the redemption center and the recycling facility are the same entity, copies of out of state transport and weight receipts, or documentation of end use accepted by the department, shall also be included.~~

~~The requests for payment shall be no more frequent than two times per month."~~

SECTION 19. Section 342G-120, Hawaii Revised Statutes, is repealed.

~~["§342G-120 — Recycling facility reporting. — Recycling facilities, in addition to any requirements under chapter 342H, shall prepare or maintain the documents involving empty beverage containers, as required by the department."~~

SECTION 20. Section 342G-122, Hawaii Revised Statutes, is repealed.

~~["§342G-122 — Advisory committee. — The department shall convene an advisory committee to assist it in developing any rules needed to implement this chapter. The department shall select members of the committee so as to obtain input on the state level as well as assess the impact on each individual county, consumers, recyclers, and the beverage industry. Members of the committee shall be appointed by the director and shall serve at the director's pleasure. A simple majority of the committee members shall constitute a quorum for the purposes of recommending rules and providing input to the director."~~

SECTION 5. House Bill No. 1015, House Draft 2, is amended by renumbering Section 5 of the bill and amending it to read as follows:

"SECTION 22. This Act shall take effect upon its approval, provided that the definition of "comprehensive residential recycling program" in section 2, the amendments to the definitions of "consumer and "dealer" in section 2, the repeal of the definitions of "on-premises" consumption, "recycling facility", "redeemer", "redemption center", "redemption rate", "refillable beverage container", and "reverse vending machine" in section 2, sections 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, shall take effect on January 1, 2006; provided

that every county with a population over five hundred thousand has certified to the department of health in writing by December 31, 2005, that it has fully implemented a comprehensive residential recycling program as defined by this Act."

Representative Fox moved that Floor Amendment No. 2 be adopted, seconded by Representative Meyer.

Representative Fox rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, the underlying bill is a good bill because it gives us a chance to fix one of the worst bills that the Legislature has passed in my time. This bill has drawn tremendous controversy and opposition throughout the island of Oahu, and I think probably the whole State of Hawaii.

"Let me just briefly describe what the amendment would do and then we can go to discussion. First it would take care of a flaw in the underlying bill relating to the definition of marine vessels, eliminating from consideration marine vessels that have less than fifty passengers. That's on the first page of the amendment. And then you'll see on the second page towards the bottom, that to deal with the issue of how you deal with recycling deposits from people who are given containers in restaurants, it defines patron as somebody who buys a beverage and does not pay the deposit so that the people who actually pay for the containers that are given to the patrons can deal with recycling.

"However, the main purpose of the amendment is in the item at the top of page two. It talks about what we do if a county of 500,000 or more people institutes a countywide recycling program. This would be a curbside recycling program that would have containers sitting at the curbside picked up for the convenience of everybody. It would allow recycling of all products not just the part of the waste stream that is produced by bottles.

"And finally if you look at the last page of the amendment, section 22, it describes how this amendment will only go into effect if the county does a recycling program. What we have here is an opportunity that was suggested by another bill, a bill introduced by the Chair of Consumer Protection & Commerce. And that is if the City and County of Honolulu steps up to the plate and institutes a countywide recycling program, we can get out of this mess that we're in. We can have the containers put at the curbside that takes all recyclable materials away in a convenient fashion and really start recycling the way many, many mainland states do it.

"And fortunately Mr. Speaker, we have a Mayor who stepped up to the plate and has told us that he is going to begin countywide recycling this summer and hopes to have the whole program rolled out by the end of the year. So we're in a very fortuitous position. Thanks to this bill, we can now pass an amendment that will get us away from these oddly placed recycling centers that people have a great deal with difficulty getting to. We can get away from a program that collects \$7 million and returns only \$300,000 in its first month plus of operation. And we can let the City and County of Honolulu step up to the plate and take care of the problem like they take care of the rest of our garbage. They can take care of recycled products. This is a tremendous opportunity.

"And I would like to say finally Mr. Speaker, that all legislators here have a limited opportunity to voice themselves on this bill because there will be no roll call. The assumption will be that if you do not speak in favor of this amendment, you are against it. It's going to be voted down so if you don't get up

and say, 'I want to see this recycling program changed and put through with this amendment,' we will assume you that you are against the amendment. Thank you very much, Mr. Speaker."

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"In light of the Minority Leader's words, I think I had better express my support for this amendment.

"We all want to recycle and be responsible and not pollute the environment. And we're in line to do this if we have a very convenient program. Curbside pickup by the counties is convenient. What is not convenient is not having a recycling center around your house, one that you have to drive to for miles. We wonder whether it's worth the high price of gas. For those people who don't have cars, they certainly have a problem. Once in a while these recycling centers do not take glass beverage containers. That is not convenient. Some of these recycling centers do not have convenient times. One on Maui is only open on weekends. In Kahala there's one that's twice a week at Kalani High School for very short hours and another twice a week at Times Market. But this is only a short-term program which will go for two months.

"Consumers want to recycle if it's convenient. But this is not convenient for them, for stores, for restaurants, for hotels, or for cruise ships. It may be convenient if you have a big SUV and you read about a sale on beverages and you buy several cases and then you could store them in your big house and store the empties in your big house and take them in your big car for recycling when you've drunk up the contents. But it is not convenient for the person who buys a six pack, takes it home on the bus, has no room to store cans, bottles, or whatever in their small apartment and having the time to spare the return of six can containers via bus. You lose money taking the bus. So I strongly urge you to adopt the amendment based on the measure introduced by the Chair of the Consumer Protection & Commerce Committee. It's an excellent idea. If you are truly interested in recycling, more containers will be recycled through this pickup program than you can take to your neighborhood recycling center. Thank you."

Representative M. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I'm rising against this amendment. First of all Mr. Speaker, I hope Members understand that it will be a false characterization of your support for this amendment, or for the underlying bill if you are not to stand up and make an objection to this particular amendment, or voice your support or disapproval of this amendment. Mr. Speaker, that was a gross mischaracterization on this floor and I resent that remark by the Minority Leader to put words into my mouth based on my actions on this amendment.

"Getting to this amendment Mr. Speaker, number one, there are numerous substantive and technical problems with this amendment. It's a poorly drafted piece of legislation before us. We should vote it down.

"Number two Mr. Speaker, according to the proposed amendment, if this was to pass, this law will then only apply to distributors of beverages in the State.

"Number three, if this amendment would pass Mr. Speaker, the proceeds would only go to the City and County of Honolulu. No other county would get any of the proceeds.

"Number four Mr. Speaker, this fee would be applied Statewide but again, only the City and County would be able to implement a recycling program. Not the islands of Kauai,

Maui, or the Big Island, or Molokai or any of the other Neighbor Islands. They're excluded by this amendment.

"And number five Mr. Speaker, that's truly disturbing about this bill. Consumers will not be able to get a refund until after January 1, 2006. In essence Mr. Speaker, this floor amendment will put a tax on all beverages. Thank you."

Representative Moses rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I'd like to rise in support of this amendment because it is a great work in progress. And I think the Majority Leader had good comments and they should be incorporated and any technical difficulty should be fixed as this bill moves forward. Thank you."

Representative Morita rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in opposition. Simply put, this amendment is not well thought out and negates years of work and input between the counties and the State to increase waste stream diversion.

"In statute, we have a statewide goal of 50% waste stream diversion by the year 2000. Sadly, in 2004, our statewide rate was barely at 30%. And that is why an aggressive policy like the Bottle Law was implemented to deal with our growing solid waste problems.

"In this floor amendment, a comprehensive residential recycling program is defined as a countywide recycling program in which residential recyclable material is collected from a majority of the County's residents. This definition seems to favor a curbside recycling program but this preference is not clearly stated. While the City and County of Honolulu is making efforts towards a curbside recycling program, it does not believe that a curbside recycling program alone can be considered to be comprehensive.

"A true comprehensive recycling program which includes residents and businesses includes many facets and addresses as many strategies as possible to decrease our State's dependence on landfills.

"Therefore, a true comprehensive recycling program would include both a beverage container deposit redemption program, as well as curbside recycling strategies.

"The City and County of Honolulu estimates that it can capture 30,000 tons of recyclable material, mainly paper, through curbside recycling. But with our deposit beverage container program, the City and County of Honolulu estimates it can capture an additional 33,000 tons of recyclable material.

"As I previously mentioned, all the counties were instrumental in helping to draft the Bottle Law. And they view the Beverage Deposit Redemption Program as a building block for other recycling and litter-control programs to develop from.

"The other problems with this amendment are the City and County of Honolulu may not qualify under the amendment definition of comprehensive residential recycling program because the City and County proposed program will only service single family residents. Apartment complexes and other multi-family buildings are mainly served by private haulers. And if you factor these types of dwellings in, the City and County may not be collecting recyclable material from a majority of the County's residents. And therefore would not qualify for payments from the Department of Health under this amendment's definitions.

"And according to the effective date, the amendment is contingent upon Oahu having a comprehensive recycling program by December 31, 2005 but it does not require Oahu to implement a comprehensive residential recycling program. And it is unlikely that the Neighbor Island counties could benefit from this bill because none are considering countywide residential curbside recycling programs. For example, on the Big Island, many residents don't even have trash pickup.

"The floor amendment lacks the specifics of a comprehensive residential recycling program. Again, this amendment is poorly drafted so I urge my colleagues to vote against this floor amendment. And it's only targeted to the City and County of Honolulu and we have the rest of the State to think of too. Thank you."

The Chair then stated:

"Thank you very much. Members, we've had a lot of discussion on the proposed floor amendment. Representative Fox, the Chair will recognize you since you're the offeror and you'll be the last person."

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

"I think the people should have an opportunity to get up and say how they feel on the amendment. The comments that are directed toward the drafter of the amendment as I said, this amendment was taken in body from a bill submitted by the Chair of CPC, so those comments directed against the drafter of the amendment do get deflected back in the direction of the people who are offering those comments.

"There's a need perhaps to explain this a little better. The date of December 31, 2005 is the trigger date. That's when things go into effect. So all references to that as being improper don't make any sense. You've got to have a program working before you can put the thing into effect.

"Yes, the thing is related to a county of 500,000. That triggers the event but that doesn't prevent the rest of the State from qualifying for some sort of recycling program. The money will be distributed on a per capita basis so the money will remain with the State until the other counties develop their own programs. The City and County of Honolulu will only get that share of the recycling fund that it is owed on a per capita basis. And we don't have anywhere near enough multi-story apartment buildings in Honolulu to mean that we won't qualify under the definition of comprehensive recycling. That will be taken care of. There's every reason given the basic solidness of this amendment and the tremendous problem that we're dealing with the misfiring, not-working recycling program to vote for this amendment. And I urge the fellow legislators to stand up and profess their support for this amendment. Thank you."

Representative Meyer rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. As the seconder of this motion, I'm in strong support of this amendment. I have experienced some of the frustrations on trying to recycle. I don't think it's a secret to most of the Members that have been here for about four years, that I have never been a strong supporter of the Bottle Bill. This amendment gives us an opportunity to really participate in a comprehensive recycling program. And I think that's what the last Mayor of Honolulu envisioned in his sustainable cities vision, and the new Mayor is also committed to curbside recycling where you will recycle the most amount of recyclables.

"If we have a goal of 50% by 2000 which we of course have not met, the opportunity to get close to that is much better with this comprehensive recycling program. Right now, my blue bin at home is full of bottles, both glass, metal, and plastic. And then I have a great array of plastic bags that are full of the same thing in my garage. And I have to kind of fight my husband every weekend when he wants to toss them into our regular garbage can.

"I have on two weekends gone out, spent about an hour and a half on one weekend, and two hours on another weekend. He put the big bin in my truck and said, 'Alright Colleen, go get your deposit back.' And it was pretty embarrassing to spend two hours and come back with the Honolulu blue bin still in my truck. I'm not Scotch, I'm Irish, but I have a hard time throwing those nickels in the garbage can but it's getting down to that. And I hope that you'll all look at this. I think that the Chair of CPC had an excellent idea. And that was why we used his good bill in this amendment. Thank you, Mr. Speaker."

Representative Thielen rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker. Just very briefly. Thank you. Mr. Speaker, I'm rising to speak against the amendment. And I would like to ask anyone that has bottles that they would like to have returned, to bring them to my office at the Capitol. Our school is having a fundraiser. Bring them by next Monday. One of our elementary schools is having a fundraiser to remove some asbestos material from a wall where the children want to put up an art project. And I would love to have your bottles. We can take them over to Kainalu Elementary. And we will turn them in and get the nickels back, and we're hoping to raise about \$4,000. So your bottles are welcome. Your cans are welcome. Bring them to my office. Thank you."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. Just please note my support for this amendment. Thank you."

Representative Hiraki rose, stating:

"Yes, I'd like to thank the Minority for the praise that I got on this particular measure."

Speaker Say: "Representative Hiraki, are you in support or opposition to the floor amendment?"

Representative Hiraki: "And just to say that I also introduced the fees bill and I appreciate the same kind of praise on that bill too. That's all. Thank you."

Representative Stonebraker rose to speak in support of the proposed floor amendment, stating:

"I'd like to note my support. And I'd like to recognize that the previous speaker did not answer your question."

The Chair then stated:

"You're right. Thank you."

The motion that Floor Amendment No. 2, amending H.B. No. 1015, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," be adopted, was put to vote by the Chair and failed to carry.

(Main Motion)

The motion was put to vote by the Chair and the report of the Committee was adopted and H.B. No. 1015, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Third Reading by a vote of 51 ayes.

At 8:16 o'clock p.m., the Chair noted that the report of the Committee was adopted, and that H.B. No. 1015, HD 2, passed Third Reading.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 86 through 87) were referred to Printing and further action was deferred:

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE ITS NEGOTIATIONS WITH HAWAII SUPERFERRY INC., AND REPORT BACK TO THE LEGISLATURE," was offered by Representative Morita, by request.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO STUDY THE ROLE OF GESTATIONAL ENVIRONMENTS, GENTLE BIRTHING PRACTICES, DOMESTIC HARMONY AWARENESS, AND APPROPRIATE AND SUFFICIENT TOUCH AND THEIR CONNECTION TO PUBLIC POLICY CONCERNS THAT INCLUDE SUBSTANCE ABUSE, ALCOHOLISM, AND DOMESTIC VIOLENCE," was offered by Representative Hale.

#### ANNOUNCEMENTS

Representative Berg: "Yes, Mr. Speaker. Thank you. I want to continue to announce that the food drive is all alive and well. And I'd like to congratulate Representative Moses for being the first office to donate canned goods to our drive. Thank you."

Representative Finnegan: "Thank you, Mr. Speaker. I'd just like to thank everyone for participating yesterday in the blood drive and the bone marrow registry, as well as the organ donation. And thank you to Representative Arakaki for his partnership in this. Thank you."

#### ADJOURNMENT

At 8:17 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, March 10, 2005.

## TWENTY-SEVENTH DAY

**Thursday, March 10, 2005**

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Galen Fox, after which the Roll was called showing all members present with the exception of Representatives Herkes, Hiraki and Kanoho, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Twenty-First, Twenty-Second and Twenty-Third Days were approved. (Representatives Herkes and Hiraki were excused.)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 30 through 390) were received and announced by the Clerk:

Sen. Com. No. 30, transmitting S.B. No. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 31, transmitting S.B. No. 15, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 32, transmitting S.B. No. 27, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAPIOLANI CHILD AT-RISK EVALUATION PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 33, transmitting S.B. No. 33, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 34, transmitting S.B. No. 35, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 35, transmitting S.B. No. 40, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 36, transmitting S.B. No. 45, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CORRECTIONAL FACILITIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 37, transmitting S.B. No. 55, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 38, transmitting S.B. No. 60, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 39, transmitting S.B. No. 61, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 40, transmitting S.B. No. 72, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE AND TOUR VEHICLE SURCHARGE TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 41, transmitting S.B. No. 74, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 42, transmitting S.B. No. 76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 43, transmitting S.B. No. 77, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 44, transmitting S.B. No. 80, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 45, transmitting S.B. No. 97, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION AMOUNT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 46, transmitting S.B. No. 101, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 47, transmitting S.B. No. 102, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 48, transmitting S.B. No. 107, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 49, transmitting S.B. No. 108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 50, transmitting S.B. No. 111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 51, transmitting S.B. No. 116, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 52, transmitting S.B. No. 118, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 53, transmitting S.B. No. 119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 54, transmitting S.B. No. 120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 55, transmitting S.B. No. 121, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 56, transmitting S.B. No. 122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 57, transmitting S.B. No. 128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 58, transmitting S.B. No. 130, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 59, transmitting S.B. No. 131, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 60, transmitting S.B. No. 140, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 61, transmitting S.B. No. 179, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 62, transmitting S.B. No. 212, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 63, transmitting S.B. No. 244, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 64, transmitting S.B. No. 255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 65, transmitting S.B. No. 264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 66, transmitting S.B. No. 294, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 67, transmitting S.B. No. 424, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 68, transmitting S.B. No. 425, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 69, transmitting S.B. No. 427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 70, transmitting S.B. No. 428, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 71, transmitting S.B. No. 433, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 72, transmitting S.B. No. 436, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 73, transmitting S.B. No. 437, entitled: "A BILL FOR AN ACT RELATING TO CONFLICTS OF INTERESTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 74, transmitting S.B. No. 438, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 75, transmitting S.B. No. 439, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 76, transmitting S.B. No. 440, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 77, transmitting S.B. No. 459, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 78, transmitting S.B. No. 460, entitled: "A BILL FOR AN ACT RELATING TO TAX REFUNDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 79, transmitting S.B. No. 464, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 80, transmitting S.B. No. 467, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 81, transmitting S.B. No. 470, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DEOXYRIBONUCLEIC ACID FOR THE DNA REGISTRY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 82, transmitting S.B. No. 475, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 83, transmitting S.B. No. 486, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 84, transmitting S.B. No. 527, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 85, transmitting S.B. No. 532, entitled: "A BILL FOR AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 86, transmitting S.B. No. 533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 87, transmitting S.B. No. 535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 88, transmitting S.B. No. 536, entitled: "A BILL FOR AN ACT RELATING TO LABOR DISPUTES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 89, transmitting S.B. No. 541, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 90, transmitting S.B. No. 556, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 91, transmitting S.B. No. 561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER COORDINATOR POSITION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 92, transmitting S.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER SUPPORT SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 93, transmitting S.B. No. 568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 94, transmitting S.B. No. 575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION FUND," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 95, transmitting S.B. No. 579, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 96, transmitting S.B. No. 595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DAY POLL WATCHERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 97, transmitting S.B. No. 599, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF REGISTRATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 98, transmitting S.B. No. 600, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS, AMMUNITION, AND DANGEROUS WEAPONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 99, transmitting S.B. No. 602, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 100, transmitting S.B. No. 603, entitled: "A BILL FOR AN ACT RELATING TO 911 EMERGENCY SERVICE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 101, transmitting S.B. No. 607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 102, transmitting S.B. No. 608, entitled: "A BILL FOR AN ACT RELATING TO DUTY OF PHYSICIAN, SURGEON, HOSPITAL, CLINIC, ETC., TO REPORT WOUNDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 103, transmitting S.B. No. 609, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 104, transmitting S.B. No. 613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 105, transmitting S.B. No. 617, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETER SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 106, transmitting S.B. No. 618, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 107, transmitting S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION ACCESS ORGANIZATIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 108, transmitting S.B. No. 629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 109, transmitting S.B. No. 631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 110, transmitting S.B. No. 637, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 111, transmitting S.B. No. 639, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 112, transmitting S.B. No. 666, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 113, transmitting S.B. No. 667, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 114, transmitting S.B. No. 668, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 115, transmitting S.B. No. 669, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 116, transmitting S.B. No. 671, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 117, transmitting S.B. No. 673, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 118, transmitting S.B. No. 675, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 119, transmitting S.B. No. 681, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 120, transmitting S.B. No. 682, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 121, transmitting S.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILD CENTER-HAWAII," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 122, transmitting S.B. No. 693, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 123, transmitting S.B. No. 695, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 124, transmitting S.B. No. 696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 125, transmitting S.B. No. 700, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

NUISANCE ABATEMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 126, transmitting S.B. No. 702, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 127, transmitting S.B. No. 706, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 128, transmitting S.B. No. 708, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 129, transmitting S.B. No. 711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 130, transmitting S.B. No. 717, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 131, transmitting S.B. No. 719, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 132, transmitting S.B. No. 735, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 133, transmitting S.B. No. 736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 134, transmitting S.B. No. 738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 135, transmitting S.B. No. 740, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 136, transmitting S.B. No. 741, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 137, transmitting S.B. No. 743, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 138, transmitting S.B. No. 744, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 139, transmitting S.B. No. 747, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MONEY



TRANSMITTERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 140, transmitting S.B. No. 751, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 141, transmitting S.B. No. 753, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 142, transmitting S.B. No. 754, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 143, transmitting S.B. No. 756, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 144, transmitting S.B. No. 761, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 145, transmitting S.B. No. 763, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXTERNAL REVIEW PANELS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 146, transmitting S.B. No. 766, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS LICENSURE RESTORATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 147, transmitting S.B. No. 768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 148, transmitting S.B. No. 769, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 149, transmitting S.B. No. 770, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 150, transmitting S.B. No. 778, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR SERVICES TO CHILDREN WITH AUTISM SPECTRUM DISORDER, AND FOR SCHOOL-BASED BEHAVIORAL HEALTH SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 151, transmitting S.B. No. 779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 152, transmitting S.B. No. 780, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN

HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 153, transmitting S.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF QUARANTINE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 154, transmitting S.B. No. 782, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 155, transmitting S.B. No. 785, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 156, transmitting S.B. No. 788, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 157, transmitting S.B. No. 789, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 158, transmitting S.B. No. 790, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 159, transmitting S.B. No. 791, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 160, transmitting S.B. No. 801, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-INTEREST LOANS TO DISASTER VICTIMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 161, transmitting S.B. No. 802, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 162, transmitting S.B. No. 807, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 163, transmitting S.B. No. 813, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 164, transmitting S.B. No. 817, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 165, transmitting S.B. No. 819, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 166, transmitting S.B. No. 824, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII

PAROLING AUTHORITY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 167, transmitting S.B. No. 825, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 168, transmitting S.B. No. 826, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 169, transmitting S.B. No. 828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS OFFICERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 170, transmitting S.B. No. 834, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 171, transmitting S.B. No. 840, S.D. 1; entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 172, transmitting S.B. No. 842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 173, transmitting S.B. No. 845, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 174, transmitting S.B. No. 848, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY FOR CONCESSION CONTRACTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 175, transmitting S.B. No. 873, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 176, transmitting S.B. No. 874, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 177, transmitting S.B. No. 898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 178, transmitting S.B. No. 904, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 179, transmitting S.B. No. 911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 180, transmitting S.B. No. 925, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 181, transmitting S.B. No. 933, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 182, transmitting S.B. No. 935, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 183, transmitting S.B. No. 943, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 184, transmitting S.B. No. 944, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 185, transmitting S.B. No. 945, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 186, transmitting S.B. No. 950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 187, transmitting S.B. No. 951, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 188, transmitting S.B. No. 953, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY DISCLOSURES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 189, transmitting S.B. No. 955, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 190, transmitting S.B. No. 959, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 191, transmitting S.B. No. 960, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 192, transmitting S.B. No. 962, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 193, transmitting S.B. No. 963, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 194, transmitting S.B. No. 965, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

ELECTRONIC SURVEILLANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 195, transmitting S.B. No. 967, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 196, transmitting S.B. No. 971, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 197, transmitting S.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE BROADCAST PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 198, transmitting S.B. No. 979, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 199, transmitting S.B. No. 982, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SHELTERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 200, transmitting S.B. No. 995, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 201, transmitting S.B. No. 1002, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 202, transmitting S.B. No. 1003, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 203, transmitting S.B. No. 1006, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 204, transmitting S.B. No. 1009, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 205, transmitting S.B. No. 1015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 206, transmitting S.B. No. 1018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 207, transmitting S.B. No. 1022, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 208, transmitting S.B. No. 1038, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 209, transmitting S.B. No. 1045, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 210, transmitting S.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 211, transmitting S.B. No. 1047, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 212, transmitting S.B. No. 1048, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 213, transmitting S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 214, transmitting S.B. No. 1050, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 215, transmitting S.B. No. 1052, entitled: "A BILL FOR AN ACT RELATING TO THE DEPENDENT-BENEFICIARIES OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 216, transmitting S.B. No. 1065, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 217, transmitting S.B. No. 1081, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POUHALA MARSH EDUCATION AND JOB TRAINING CENTER," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 218, transmitting S.B. No. 1094, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 219, transmitting S.B. No. 1100, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 220, transmitting S.B. No. 1103, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HALE MAHAOLU FOR PERSONAL CARE PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 221, transmitting S.B. No. 1114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN ENERGY STORAGE SYSTEM TAX CREDIT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 222, transmitting S.B. No. 1117, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 223, transmitting S.B. No. 1127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 224, transmitting S.B. No. 1129, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 225, transmitting S.B. No. 1132, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 226, transmitting S.B. No. 1136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 227, transmitting S.B. No. 1137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 228, transmitting S.B. No. 1140, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICE LOAN COMPANIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 229, transmitting S.B. No. 1141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 230, transmitting S.B. No. 1170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 231, transmitting S.B. No. 1171, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 232, transmitting S.B. No. 1186, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 233, transmitting S.B. No. 1190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 234, transmitting S.B. No. 1192, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 235, transmitting S.B. No. 1193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 236, transmitting S.B. No. 1194, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 237, transmitting S.B. No. 1201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 238, transmitting S.B. No. 1209, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 239, transmitting S.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 240, transmitting S.B. No. 1221, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 241, transmitting S.B. No. 1222, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SEARCH AND RESCUE REIMBURSEMENT ACT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 242, transmitting S.B. No. 1223, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 243, transmitting S.B. No. 1228, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 244, transmitting S.B. No. 1229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF DENTAL HYGIENISTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 245, transmitting S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 246, transmitting S.B. No. 1232, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI AIDS FOUNDATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 247, transmitting S.B. No. 1235, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 248, transmitting S.B. No. 1236, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

CIGARETTE TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 249, transmitting S.B. No. 1244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 250, transmitting S.B. No. 1248, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 251, transmitting S.B. No. 1250, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 252, transmitting S.B. No. 1255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 253, transmitting S.B. No. 1257, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 254, transmitting S.B. No. 1256, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 255, transmitting S.B. No. 1258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 256, transmitting S.B. No. 1262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 257, transmitting S.B. No. 1267, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 258, transmitting S.B. No. 1268, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 259, transmitting S.B. No. 1272, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UTILIZATION OF FEDERAL FUNDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 260, transmitting S.B. No. 1278, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 261, transmitting S.B. No. 1285, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 262, transmitting S.B. No. 1298, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 263, transmitting S.B. No. 1301, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 264, transmitting S.B. No. 1304, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION AND FILM INDUSTRY DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 265, transmitting S.B. No. 1317, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 266, transmitting S.B. No. 1325, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING REQUIREMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 267, transmitting S.B. No. 1327, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 268, transmitting S.B. No. 1328, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION FEE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 269, transmitting S.B. No. 1336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 270, transmitting S.B. No. 1345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 271, transmitting S.B. No. 1347, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 272, transmitting S.B. No. 1348, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 273, transmitting S.B. No. 1349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 274, transmitting S.B. No. 1352, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 275, transmitting S.B. No. 1362, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 276, transmitting S.B. No. 1374, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 277, transmitting S.B. No. 1378, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR HISTORIC TRAIL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 278, transmitting S.B. No. 1380, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS BILL OF RIGHTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 279, transmitting S.B. No. 1389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 280, transmitting S.B. No. 1394, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 281, transmitting S.B. No. 1395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION CIVIL SERVICE PERSONNEL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 282, transmitting S.B. No. 1409, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAHANA VALLEY STATE PARK," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 283, transmitting S.B. No. 1410, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 284, transmitting S.B. No. 1415, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARNED INCOME TAX CREDITS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 285, transmitting S.B. No. 1419, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 286, transmitting S.B. No. 1420, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 287, transmitting S.B. No. 1427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF HIGH ENERGY EFFICIENT VEHICLES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 288, transmitting S.B. No. 1451, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 289, transmitting S.B. No. 1453, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 290, transmitting S.B. No. 1457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 291, transmitting S.B. No. 1461, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES MANAGEMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 292, transmitting S.B. No. 1468, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 293, transmitting S.B. No. 1469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 294, transmitting S.B. No. 1473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 295, transmitting S.B. No. 1474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAUNA KEA SCIENCE RESERVE AUTHORITY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 296, transmitting S.B. No. 1476, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 297, transmitting S.B. No. 1478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 298, transmitting S.B. No. 1483, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 299, transmitting S.B. No. 1512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 300, transmitting S.B. No. 1533, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION TO THE COMPOSITION OF THE BOARD OF EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 301, transmitting S.B. No. 1547, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 302, transmitting S.B. No. 1548, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 303, transmitting S.B. No. 1551, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 304, transmitting S.B. No. 1554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 305, transmitting S.B. No. 1557, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 306, transmitting S.B. No. 1570, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM PRISON TO THE COMMUNITY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 307, transmitting S.B. No. 1578, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 308, transmitting S.B. No. 1579, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 309, transmitting S.B. No. 1580, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 310, transmitting S.B. No. 1581, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 311, transmitting S.B. No. 1582, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 312, transmitting S.B. No. 1583, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 313, transmitting S.B. No. 1584, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 314, transmitting S.B. No. 1585, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 315, transmitting S.B. No. 1586, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COUNTY BOARD OF WATER SUPPLY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 316, transmitting S.B. No. 1588, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

AGRICULTURAL THEFT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 317, transmitting S.B. No. 1591, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE "ROADS IN LIMBO" PROGRAM IN HAWAII COUNTY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 318, transmitting S.B. No. 1592, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 319, transmitting S.B. No. 1593, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 320, transmitting S.B. No. 1620, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 321, transmitting S.B. No. 1624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 322, transmitting S.B. No. 1634, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 323, transmitting S.B. No. 1635, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 324, transmitting S.B. No. 1636, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 325, transmitting S.B. No. 1637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 326, transmitting S.B. No. 1642, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 327, transmitting S.B. No. 1643, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 328, transmitting S.B. No. 1648, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 329, transmitting S.B. No. 1650, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 330, transmitting S.B. No. 1660, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 331, transmitting S.B. No. 1661, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 332, transmitting S.B. No. 1673, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 333, transmitting S.B. No. 1685, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 334, transmitting S.B. No. 1687, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PLANS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 335, transmitting S.B. No. 1689, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 336, transmitting S.B. No. 1695, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 337, transmitting S.B. No. 1696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 338, transmitting S.B. No. 1697, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 339, transmitting S.B. No. 1698, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY GROWTH," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 340, transmitting S.B. No. 1699, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 341, transmitting S.B. No. 1702, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 342, transmitting S.B. No. 1709, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 343, transmitting S.B. No. 1713, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 344, transmitting S.B. No. 1721, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 345, transmitting S.B. No. 1729, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 346, transmitting S.B. No. 1730, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 347, transmitting S.B. No. 1732, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 348, transmitting S.B. No. 1734, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 349, transmitting S.B. No. 1740, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADJUSTING THE INCOME TAX BRACKETS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 350, transmitting S.B. No. 1742, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION RELATING TO THE JUDICIAL SELECTION COMMISSION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 351, transmitting S.B. No. 1745, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF FOR MANOA FLOOD VICTIMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 352, transmitting S.B. No. 1747, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LYON ARBORETUM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 353, transmitting S.B. No. 1748, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 354, transmitting S.B. No. 1749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 355, transmitting S.B. No. 1750, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE OVERSIGHT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS AND FUNDING EXPENDITURES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 356, transmitting S.B. No. 1752, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 357, transmitting S.B. No. 1772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 358, transmitting S.B. No. 1773, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL



WORKERS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 359, transmitting S.B. No. 1778, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 360, transmitting S.B. No. 1780, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 361, transmitting S.B. No. 1781, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 362, transmitting S.B. No. 1792, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 363, transmitting S.B. No. 1793, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 364, transmitting S.B. No. 1798, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 365, transmitting S.B. No. 1802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 366, transmitting S.B. No. 1808, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 367, transmitting S.B. No. 1814, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 368, transmitting S.B. No. 1816, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 369, transmitting S.B. No. 1817, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 370, transmitting S.B. No. 1838, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 371, transmitting S.B. No. 1843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 372, transmitting S.B. No. 1851, S.D. 2, entitled: "A BILL FOR AN ACT APPROPRIATING FUNDS FOR HOMELESS AND TRANSITIONAL HOUSING

PROJECTS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 373, transmitting S.B. No. 1852, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOW INCOME HOUSING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 374, transmitting S.B. No. 1854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 375, transmitting S.B. No. 1863, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 376, transmitting S.B. No. 1864, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 377, transmitting S.B. No. 1870, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 378, transmitting S.B. No. 1872, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 379, transmitting S.B. No. 1876, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 380, transmitting S.B. No. 1877, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 381, transmitting S.B. No. 1879, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 382, transmitting S.B. No. 1883, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MILOLI FISHERIES MANAGEMENT AREA," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 383, transmitting S.B. No. 1884, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS TO SHORELINES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 384, transmitting S.B. No. 1888, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 385, transmitting S.B. No. 1889, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIPS," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 386, transmitting S.B. No. 1891, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

BOATING," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 387, transmitting S.B. No. 1893, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 388, transmitting S.B. No. 1897, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 389, transmitting S.B. No. 1899, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2005.

Sen. Com. No. 390, transmitting S.B. No. 1903, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," which passed Third Reading in the Senate on March 8, 2005.

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

The House of Representatives reconvened at 12:11 o'clock p.m.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the following Senate bills passed First Reading by Title: (Representative Herkes was excused.)

Senate Bill Nos.: 3, SD2; 15, SD1; 27, SD1; 33, SD2; 35, SD2; 40, SD1; 45, SD2; 55, SD1; 60, SD1; 61, SD1; 72, SD1; 74, SD1; 76, SD1; 77, SD1; 80; 97, SD1; 101; 102; 107; 108, SD1; 111, SD1; 116, SD2; 118, SD2; 119, SD1; 120, SD1; 121; 122, SD1; 128, SD1; 130, SD2; 131, SD2; 140, SD2; 179, SD3; 212, SD2; 244, SD2; 255, SD1; 264, SD1; 294, SD3; 424, SD2; 425, SD1; 427, SD1; 428, SD2; 433, SD2; 436; 437; 438; 439; 440, SD1; 459, SD2; 460; 464, SD2; 467, SD2; 470, SD2; 475, SD2; 486, SD2; 527, SD2; 532; 533, SD1; 535, SD2; 536; 541, SD2; 556, SD2; 561, SD1; 562; 568, SD1; 575, SD1; 579, SD2; 595, SD1; 599; 600; 602, SD2; 603; 607, SD1; 608; 609; 613, SD2; 617, SD1; 618, SD1; 625, SD1; 629, SD1; 631, SD1; 637, SD2; 639, SD2; 666, SD2; 667, SD2; 668, SD1; 669, SD2; 671, SD1; 673, SD2; 675; 681; 682, SD2; 691; 693, SD1; 695; 696, SD1; 700, SD1; 702, SD2; 706, SD2; 708, SD2; 711, SD2; 717, SD1; 719, SD2; 735; 736, SD1; 738, SD1; 740, SD2; 741; 743, SD2; 744, SD2; 747, SD2; 751, SD2; 753; 754, SD1; 756, SD1; 761, SD2; 763, SD2; 766, SD2; 768, SD1; 769, SD2; 770, SD2; 778, SD1; 779, SD1; 780; 781; 782, SD1; 785, SD2; 788, SD1; 789; 790, SD2; 791, SD2; 801, SD2; 802, SD2; 807, SD1; 813, SD2; 817, SD2; 819, SD1; 824; 825, SD1; 826; 828, SD1; 834, SD2; 840, SD1; 842, SD1; 845, SD2; 848, SD1; 873, SD2; 874; 898, SD1; 904, SD1; 911, SD1; 925, SD1; 933, SD1; 935, SD1; 943, SD1; 944, SD1; 945, SD1; 950, SD1; 951, SD2; 953, SD1; 955, SD1; 959, SD2; 960; 962, SD2; 963, SD2; 965, SD2; 967, SD1; 971, SD2; 978; 979, SD2; 982, SD2; 995, SD1; 1002, SD2; 1003, SD2; 1006, SD1; 1009, SD2; 1015, SD1; 1018, SD1; 1022, SD1; 1038, SD2; 1045, SD1; 1046, SD1; 1047, SD1; 1048, SD1; 1049, SD1; 1050, SD1; 1052; 1065, SD2; 1081, SD2; 1094, SD1; 1100, SD2; 1103, SD2; 1114, SD1; 1117, SD1; 1127, SD1; 1129, SD2; 1132, SD2; 1136, SD2; 1137, SD1; 1140, SD1; 1141, SD1; 1170, SD2; 1171, SD2; 1186, SD2; 1190, SD1; 1192, SD2; 1193, SD1; 1194, SD1; 1201, SD2; 1209, SD2; 1210; 1221, SD2; 1222, SD2; 1223, SD2; 1228, SD2; 1229, SD1; 1230; 1232, SD1; 1235; 1236, SD2; 1244, SD1; 1248, SD2; 1250, SD2; 1255, SD1; 1256; 1257, SD2; 1258, SD1; 1262, SD1; 1267, SD2; 1268, SD2; 1272, SD1; 1278, SD2; 1285, SD2; 1298; 1301, SD2; 1304, SD2;

1317, SD1; 1325, SD2; 1327; 1328, SD1; 1336, SD1; 1345, SD1; 1347, SD2; 1348, SD1; 1349, SD1; 1352, SD1; 1362, SD1; 1374, SD2; 1378, SD2; 1380, SD2; 1389, SD1; 1394, SD2; 1395, SD1; 1409, SD2; 1410, SD1; 1415, SD1; 1419, SD1; 1420, SD2; 1427, SD1; 1451, SD2; 1453, SD2; 1457, SD1; 1461, SD2; 1468, SD1; 1469, SD1; 1473, SD1; 1474, SD1; 1476, SD2; 1478, SD1; 1483, SD1; 1512, SD1; 1533; 1547, SD2; 1548, SD1; 1551, SD1; 1554, SD1; 1557, SD2; 1570; 1578, SD1; 1579, SD1; 1580, SD1; 1581, SD1; 1582, SD1; 1583, SD1; 1584, SD1; 1585, SD1; 1586; 1588, SD2; 1591, SD2; 1592, SD1; 1593, SD2; 1620, SD2; 1624, SD1; 1634, SD2; 1635, SD2; 1636, SD2; 1637, SD1; 1642, SD2; 1643, SD2; 1648, SD1; 1650, SD2; 1660, SD2; 1661, SD2; 1673, SD1; 1685, SD2; 1687, SD1; 1689, SD2; 1695, SD2; 1696, SD1; 1697, SD2; 1698, SD2; 1699, SD1; 1702, SD1; 1709; 1713, SD1; 1721, SD2; 1729, SD2; 1730, SD2; 1732, SD1; 1734, SD2; 1740, SD1; 1742; 1745, SD1; 1747, SD2; 1748, SD1; 1749, SD1; 1750, SD2; 1752, SD2; 1772, SD1; 1773, SD2; 1778, SD2; 1780, SD2; 1781; 1792, SD1; 1793, SD2; 1798; 1802, SD1; 1808, SD1; 1814, SD2; 1816, SD2; 1817, SD2; 1838, SD2; 1843, SD1; 1851, SD2; 1852, SD2; 1854, SD1; 1863, SD2; 1864, SD1; 1870, SD1; 1872; 1876, SD2; 1877; 1879, SD2; 1883, SD2; 1884, SD1; 1888, SD1; 1889, SD1; 1891, SD2; 1893; 1897, SD2; 1899, SD1; and 1903, SD1.

#### RECEIVED BY THE CLERK

The Clerk, this day, received a copy of a communication dated March 10, 2005 from Paul T. Kawaguchi, Clerk of the Senate to the Honorable Linda Lingle, Governor of the State of Hawaii, stating that, in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bills:

S.B. No. 255, SD 1  
"RELATING TO THE ATTORNEY GENERAL."

S.B. No. 995  
"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."

S.B. No. 1256  
"PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS."

S.B. No. 1533  
"PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION TO THE COMPOSITION OF THE BOARD OF EDUCATION."

S.B. No. 1742  
"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION RELATING TO THE JUDICIAL SELECTION COMMISSION."

#### DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 29) was received by the Clerk and was placed on file:

Dept. Com. No. 29, from Daniel E. Orodener, Acting Executive Director, Aloha Tower Development Corporation, transmitting their 2004 Annual Report.

40, SD1 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary

### INTRODUCTIONS

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

Representative Takai introduced Bishop Isao Ito and staff members of the Shinnyo-En Grand Holy Temple in Tachikawa City, Tokyo. They were accompanied by Mrs. Mary Matayoshi.

45, SD2 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

Representative Chang, on behalf of the Big Island delegation, introduced high school students from Hilo, Honoka'a, Ka'u, Kea'au, Kealahiki, Kohala, Konawaena, Laupahoehoe, Paho and Waiakea who were participating in "The Big Island Legislative Experience." They were accompanied by their student activities coordinators, Ms. Angela Brandt, Ms. Carol Takemura, Ms. Donna Tanabe, and Ms. Naomi Ashman; and Hawaii District Educational Specialist, Keith Morioka.

55, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

60, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

Representative Arakaki, on behalf of the Representatives Abinsay, Finnegan and himself, introduced student leaders and their teachers from the Kalihi area: Dole Middle School and Ms. Pat Matsumoto; Kalihi Waena and Ms. Judy Chong-Nakamura, Mr. Michael Kawamoto and Ms. Maria Passi; Kalakaua Middle School and Ms. Carol Tanji; Kalihi Uka and Mr. Kenneth Chang, Ms. Sandra Yap and Mr. Dean Miyata; Puuhale Elementary and Mr. Todd Sasaki and Ms. Mavis Kawamura; and Farrington High School and Mr. Jesse Nakanishi and Ms. Theresa Ellis.

61, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

72, SD1 Committee on Transportation, then to the Committee on Finance

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

Representative Berg also recognized Mrs. Sandra Yap of Kalihi Uka School and her students for being participants in the Kids Vote Hawaii Program.

76, SD1 Jointly to the Committee on Transportation and the Committee on Judiciary, then to the Committee on Finance

77, SD1 Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

80 Committee on Transportation, then to the Committee on Judiciary

97, SD1 Committee on Finance

101 Committee on Finance

102 Committee on Finance

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENTS

The following Senate bills were referred to committee by the Speaker:

107 Committee on Consumer Protection & Commerce

108, SD1 Committee on Consumer Protection & Commerce

111, SD1 Committee on Consumer Protection & Commerce

#### S.B.

#### Nos.      Referred to:

3, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

116, SD2 Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance

15, SD1 Committee on Health, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

117 Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance

118, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce

27, SD1 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

119, SD1 Committee on Consumer Protection & Commerce

33, SD2 Committee on Labor & Public Employment, then to the Committee on Finance

120, SD1 Committee on Consumer Protection & Commerce

35, SD2 Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Finance

121 Committee on Economic Development & Business Concerns, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

122, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	460	Committee on Finance
128, SD1	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	464, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
130, SD2	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	467, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
131, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	470, SD2	Committee on Judiciary, then to the Committee on Finance
140, SD2	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	475, SD2	Committee on Human Services, then to the Committee on Finance
179, SD3	Committee on Housing, then to the Committee on Finance	486, SD2	Committee on Human Services, then to the Committee on Finance
212, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	527, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
244, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	532	Committee on Transportation, then to the Committee on Finance
255, SD1	Committee on Judiciary, then to the Committee on Finance	533, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
264, SD1	Committee on Judiciary, then to the Committee on Finance	535, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary
294, SD3	Committee on Labor & Public Employment, then to the Committee on Finance	536	Committee on Labor & Public Employment, then to the Committee on Judiciary
424, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	541, SD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
425, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	556, SD2	Committee on Human Services, then to the Committee on Judiciary
427, SD1	Committee on Transportation, then to the Committee on Judiciary	561, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
428, SD2	Committee on Transportation, then to the Committee on Judiciary	562	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
433, SD2	Committee on Judiciary, then to the Committee on Finance	568, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
436	Committee on Judiciary	575, SD1	Committee on Tourism & Culture, then to the Committee on Finance
437	Committee on Judiciary	579, SD2	Committee on Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance
438	Committee on Judiciary	595, SD1	Committee on Judiciary
439	Committee on Judiciary, then to the Committee on Finance	599	Committee on Judiciary, then to the Committee on Finance
440, SD1	Committee on Judiciary, then to the Committee on Finance	600	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
459, SD2	Committee on Health, then to the Committee on Finance		

602, SD2	Committee on Judiciary, then to the Committee on Finance	695	Jointly to the Committee on Judiciary and the Committee on Labor & Public Employment
603	Committee on Judiciary	696, SD1	Committee on Judiciary, then to the Committee on Finance
607, SD1	Committee on Judiciary	700, SD1	Committee on Judiciary
608	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	702, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
609	Committee on Transportation, then to the Committee on Finance	706, SD2	Committee on Transportation, then to the Committee on Judiciary
613, SD2	Committee on Judiciary, then to the Committee on Finance	708, SD2	Committee on Judiciary, then to the Committee on Finance
617, SD1	Committee on Judiciary, then to the Committee on Finance	711, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
618, SD1	Committee on Judiciary, then to the Committee on Finance	717, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
625, SD1	Committee on Legislative Management, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	719, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
629, SD1	Committee on Legislative Management, then to the Committee on Finance	735	Committee on Judiciary, then to the Committee on Finance
631, SD1	Committee on Finance	736, SD1	Jointly to the Committee on Health and the Committee on Economic Development & Business Concerns, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
637, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance	738, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
639, SD2	Committee on Education, then to the Committee on Housing, then to the Committee on Finance	740, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
666, SD2	Committee on Judiciary, then to the Committee on Finance	741	Committee on Labor & Public Employment, then to the Committee on Finance
667, SD2	Committee on Higher Education, then to the Committee on Finance	743, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
668, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance	744, SD2	Committee on Economic Development & Business Concerns, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
669, SD2	Committee on Agriculture, then to the Committee on Finance	747, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary, then to the Committee on Finance
671, SD1	Committee on Agriculture, then to the Committee on Labor & Public Employment, then to the Committee on Finance	751, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
673, SD2	Committee on Judiciary, then to the Committee on Finance	753	Committee on Consumer Protection & Commerce
675	Committee on Human Services, then to the Committee on Judiciary		
681	Committee on Judiciary		
682, SD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance		
691	Committee on Judiciary		
693, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary		

754, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	791, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
756, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	797, SD1	Committee on Housing, then to the Committee on Finance
760, SD1	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	801, SD2	Committee on Housing, then to the Committee on Finance
761, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce	802, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
763, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	807, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
766, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce	813, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
768, SD1	Jointly to the Committee on Health and the Committee on Tourism & Culture, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	817, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
769, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	819, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
770, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary, then to the Committee on Finance	824	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
778, SD1	Committee on Education, then to the Committee on Finance	825, SD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
779, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	826	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Human Services, then to the Committee on Judiciary
780	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Judiciary	828, SD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
781	Committee on Agriculture, then to the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	834, SD2	Committee on Finance
782, SD1	Committee on Health, then to the Committee on Education, then to the Committee on Finance	840, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
785, SD2	Committee on Judiciary, then to the Committee on Finance	842, SD1	Committee on Finance
788, SD1	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	845, SD2	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
789	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	848, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation, then to the Committee on Finance
790, SD2	Jointly to the Committee on Health and the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	873, SD2	Committee on Education, then to the Committee on Finance
		874	Committee on Education, then to the Committee on Finance

898, SD1	Committee on Higher Education, then to the Committee on Finance	967, SD1	Jointly to the Committee on Tourism & Culture and the Committee on Hawaiian Affairs, then to the Committee on Finance
904, SD1	Committee on Higher Education, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance	971, SD2	Committee on Tourism & Culture, then to the Committee on Consumer Protection & Commerce
911, SD1	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	978	Committee on Legislative Management, then to the Committee on Finance
925, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance	979, SD2	Committee on Judiciary, then to the Committee on Finance
933, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance	982, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
935, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Finance	995, SD1	Committee on Judiciary, then to the Committee on Finance
943, SD1	Committee on Finance	1002, SD2	Committee on Transportation, then jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
944, SD1	Committee on Finance	1003, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
945, SD1	Committee on Finance	1006, SD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
950, SD1	Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1009, SD2	Committee on Human Services, then to the Committee on Finance
951, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	1015, SD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources
953, SD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce	1018, SD1	Jointly to the Committee on Education and the Committee on Human Services
955, SD1	Committee on Agriculture, then to the Committee on Finance	1022, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
956, SD1	Committee on Agriculture	1038, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Higher Education, then to the Committee on Finance
959, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1045, SD1	Committee on Finance
960	Committee on Public Safety & Military Affairs, then to the Committee on Finance	1046,	Committee on Finance
962, SD2	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Finance	SD1	Committee on Finance
963, SD2	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	1047, SD1	Committee on Finance
965, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1048, SD1	Committee on Finance
		1049, SD1	Committee on Finance
		1050, SD1	Committee on Finance
		1052	Committee on Labor & Public Employment, then to the Committee on Finance

1065, SD2	Committee on Agriculture, then to the Committee on Higher Education, then to the Committee on Finance	1201, SD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
1081, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1209, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1094, SD1	Committee on Health, then to the Committee on Finance	1210	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
1100, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	1221, SD2	Committee on Education, then to the Committee on Finance
1103, SD2	Committee on Human Services, then to the Committee on Finance	1222, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
1114, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance	1223, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1117, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance	1228, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1127, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance	1229, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
1129, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1230	Committee on Health, then to the Committee on Consumer Protection & Commerce
1132, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1232, SD1	Committee on Legislative Management, then to the Committee on Health, then to the Committee on Finance
1136, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Finance	1235	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
1137, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1236, SD2	Committee on Health, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance
1140, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1244, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1141, SD1	Committee on Tourism & Culture, then to the Committee on Consumer Protection & Commerce	1248, SD2	Committee on Education, then to the Committee on Finance
1170, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1250, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Education, then to the Committee on Finance
1171, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Finance	1255, SD1	Committee on Education, then to the Committee on Finance
1186, SD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	1256	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
1190, SD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance	1257, SD2	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
1192, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	1258, SD1	Committee on Education, then to the Committee on Finance
1193, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1262, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1194, SD1	Committee on Labor & Public Employment, then to the Committee on Finance		



1267, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	1374, SD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns and the Committee on International Affairs, then to the Committee on Finance
1268, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1378, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
1272, SD1	Committee on Finance	1380, SD2	Committee on Economic Development & Business Concerns, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1278, SD2	Committee on Health, then to the Committee on Finance	1389, SD1	Committee on Education, then to the Committee on Finance
1285, SD2	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	1394, SD2	Committee on Public Safety & Military Affairs, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
1298	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	1395, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Education, then to the Committee on Finance
1301, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1409, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1304, SD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	1410, SD1	Committee on Finance
1317, SD1	Committee on Judiciary, then to the Committee on Finance	1415, SD1	Committee on Finance
1325, SD2	Committee on Judiciary, then to the Committee on Finance	1419, SD1	Committee on Health, then to the Committee on Finance
1327	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1420, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
1328, SD1	Committee on Judiciary, then to the Committee on Finance	1427, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
1336, SD1	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	1451, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
1345, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1453, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1347, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1457, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1348, SD1	Committee on Consumer Protection & Commerce	1461, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
1349, SD1	Committee on Consumer Protection & Commerce	1468, SD1	Committee on Health, then to the Committee on Judiciary
1352, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Finance	1469, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Finance
1362, SD1	Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance		

1473, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1586	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
1474, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance	1588, SD2	Committee on Agriculture, then to the Committee on Judiciary
1476, SD2	Committee on Judiciary, then to the Committee on Finance	1591, SD2	Committee on Transportation, then to the Committee on Finance
1478, SD1	Committee on Labor & Public Employment, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance	1592, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1483, SD1	Committee on Education, then to the Committee on Finance	1593, SD2	Committee on Judiciary, then to the Committee on Finance
1512, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	1620, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Labor & Public Employment, then to the Committee on Finance
1533	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	1624, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce
1547, SD2	Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance	1634, SD2	Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Finance
1548, SD1	Committee on Judiciary, then to the Committee on Finance	1635, SD2	Committee on Education, then to the Committee on Finance
1551, SD1	Committee on Judiciary, then to the Committee on Finance	1636, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Education, then to the Committee on Finance
1554, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance	1637, SD1	Committee on Education, then to the Committee on Finance
1557, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1642, SD2	Committee on Labor & Public Employment, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
1570	Committee on Public Safety & Military Affairs, then to the Committee on Finance	1643, SD2	Committee on Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance
1578, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1648, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Higher Education, then to the Committee on Finance
1579, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1650, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1580, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1660, SD2	Committee on Education, then to the Committee on Finance
1581, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1661, SD2	Committee on Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance
1582, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1673, SD1	Committee on Finance
1583, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	1685, SD2	Committee on Finance
1584, SD1	Committee on Labor & Public Employment, then to the Committee on Finance		
1585, SD1	Committee on Labor & Public Employment, then to the Committee on Finance		

1687, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1749, SD1	Committee on Legislative Management, then to the Committee on Finance
1689, SD2	Committee on Judiciary, then to the Committee on Finance	1750, SD2	Committee on Human Services, then to the Committee on Finance
1695, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1752, SD2	Committee on Legislative Management, then to the Committee on Finance
1696, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1772, SD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
1697, SD2	Committee on Transportation, then to the Committee on Higher Education, then to the Committee on Finance	1773, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Labor & Public Employment, then to the Committee on Finance
1698, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Education, then to the Committee on Finance	1778, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1699, SD1	Committee on Tourism & Culture, then to the Committee on Finance	1780, SD2	Committee on Human Services, then to the Committee on Finance
1702, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	1781	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1709	Committee on International Affairs, then to the Committee on Finance	1792, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on International Affairs, then to the Committee on Finance
1713, SD1	Committee on Health, then to the Committee on Finance	1793, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1721, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Finance	1798	Committee on Consumer Protection & Commerce
1729, SD2	Committee on Tourism & Culture, then to the Committee on Finance	1802, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1730, SD2	Committee on Tourism & Culture, then to the Committee on Finance	1808, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
1732, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	1814, SD2	Committee on Education, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
1734, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism & Culture, then to the Committee on Finance	1816, SD2	Jointly to the Committee on Judiciary and the Committee on Education, then to the Committee on Finance
1740, SD1	Committee on Finance	1817, SD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
1742	Committee on Judiciary, then to the Committee on Finance	1838, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1745, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance	1843, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
1747, SD2	Committee on Higher Education, then to the Committee on Finance	1851, SD2	Committee on Housing, then to the Committee on Finance
1748, SD1	Committee on Finance		

1852, SD2	Committee on Housing, then to the Committee on Finance	referred to the Committee on Legislative Management, seconded by Representative B. Oshiro.
1854, SD1	Committee on Housing, then to the Committee on Finance	At 12:16 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.
1863, SD2	Committee on Tourism & Culture, then to the Committee on Finance	The House of Representatives reconvened at 12:32 o'clock p.m.
1864, SD1	Committee on Judiciary, then to the Committee on Finance	Representative Lee rose to disclose a potential conflict of interest, stating:
1870, SD1	Committee on Housing, then to the Committee on Finance	"Mr. Speaker, I stand in strong support but I wanted to mention that I may have a conflict. I'm a member of the corporate board of the Hawaii Pacific American Cancer Society," and the Chair ruled "no conflict."
1872	Committee on Human Services, then to the Committee on Finance	
1876, SD2	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 39, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COLORECTAL CANCER SCREENING BY FECAL OCCULT BLOOD TESTING, FLEXIBLE SIGMOIDOSCOPY, AND COLONOSCOPY," was referred to the Committee on Legislative Management with Representatives Herkes, Luke, Marumoto and Saiki being excused.
1877	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	
1879, SD2	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	
1883, SD2	Committee on Water, Land, & Ocean Resources	Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1009), recommending that H.C.R. No. 35, be referred to the Committee on Consumer Protection & Commerce.
1884, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR INITIAL MEDICAL VISITS AND PSYCHOLOGICAL ASSESSMENTS, EVEN WHEN SUCH MEDICAL VISITS AND PSYCHOLOGICAL ASSESSMENTS MAY INCLUDE PREVIOUSLY UNDIAGNOSED MEDICAL AND PSYCHOLOGICAL CONDITIONS," was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Luke, Marumoto and Saiki being excused.
1888, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	
1889, SD1	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	
1891, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	
1893	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection	Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1010), recommending that H.C.R. No. 14, be referred to the Committee on Finance.
1897, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	
1899, SD1	Committee on Agriculture, then to the Committee on Finance	On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A COORDINATING COMMITTEE TO EVALUATE GOVERNMENT AFFORDABLE HOUSING FINANCING PROGRAMS," was referred to the Committee on Finance with Representatives Herkes, Luke, Marumoto and Saiki being excused.
1903, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	

#### STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1008), recommending that H.C.R. No. 39, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 39, HD 1, be

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1011), recommending that H.C.R. No. 31, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE

DEPARTMENT OF TRANSPORTATION TAKE NECESSARY STEPS TO FILL THE VACANT POSITION OF BICYCLE AND PEDESTRIAN COORDINATOR FOR THE BIKE PLAN HAWAII PROJECT," was referred to the Committee on Finance with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1012), recommending that H.R. No. 28, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 28, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION TAKE NECESSARY STEPS TO FILL THE VACANT POSITION OF BICYCLE AND PEDESTRIAN COORDINATOR FOR THE BIKE PLAN HAWAII PROJECT," was referred to the Committee on Finance with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1013) recommending that H.C.R. No. 7, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 7, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A REVIEW OF THE ECONOMIC FEASIBILITY OF CONSTRUCTING A FIXED RAIL SYSTEM AROUND THE ISLAND OF HAWAII IN THE HAWAII LONG RANGE LAND TRANSPORTATION PLAN," was adopted, with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1014) recommending that H.C.R. No. 51, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE FEASIBILITY OF AN ALTERNATE ROUTE OF INGRESS TO AND EGRESS FROM MILILANI MAUKA," was adopted, with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1015) recommending that H.C.R. No. 57, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION REVIEW STATE AIRPORT AND HARBOR FEES AND ADJUST THESE FEES AS NECESSARY," was adopted, with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Kahikina, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1016) recommending that H.C.R. No. 3, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1017) recommending that H.R. No. 14, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.C.R. No. 3, HD 1, and H.R. No. 14, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support of this resolution. My comments would go to 1016 and 1017.

"Thank you, Mr. Speaker. I'm very grateful, Mr. Speaker, to all of my colleagues here, that they recognize the position and the positive aspects of the President of the United States, George W. Bush, and his policies to reduce homelessness in our nation. It is commendable, Mr. Speaker, that this body recognizes his leadership in this endeavor and supports him in his efforts to solve this very serious problem. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. This is really a non-partisan issue dealing with the homeless. I think it's wonderful that the entire country, as well as the State of Hawaii, has moved to an understanding of the importance of dealing with the homeless problem by providing shelter. That really is the first step. My compliments to the Chair of the Housing Committee for moving this resolution forward. Thank you."

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

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

"Thank you, Mr. Speaker, in strong support as well. I'm interested though, in the Committee Report. Apparently, the original drafting of the bill asked in the 'be it resolved' line that our congressional delegation would support the policies that had been laid out by the President. And, I'm glad that the resolutions clearly elucidate the President's stand and efforts, his pro-active efforts on homelessness. But, we read that in the 'be it resolved' line, it says here that instead of asking our congressional delegation to support federal policies to eliminate homelessness, we're now asking the President to support his own policies. And so, while we do support this, it seems that we've moved from the regular bill time, where we aim our own legislation at the Governor, now to the resolution time, where we're going to take pot shots at the President.

"Nonetheless, it would be nice if our congressional delegation was pro-active in laying out policies to eliminate homelessness. I'm glad that the President has done so. And yet we hope that our congressional delegation will support his programs to eliminate homelessness. Thank you."

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

"Yes, Mr. Speaker, if I may, I wish to speak with some reservations on this measure. The reservations that I have, is that thus far the President has not provided any major initiative for homelessness. And it does not reflect in his budget at all that there is anything for homelessness of any major consequence. Thank you very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.C.R. No. 3, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT TO SUPPORT FEDERAL POLICIES DESIGNED TO ELIMINATE HOMELESSNESS IN THE UNITED STATES," was adopted, with Representatives Herkes, Luke, Marumoto and Saiki being excused; and

H.R. No. 14, HD 1, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT TO SUPPORT FEDERAL POLICIES DESIGNED TO ELIMINATE HOMELESSNESS IN THE UNITED STATES," was adopted, with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1018) recommending that S.B. No. 73, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Herkes, Luke, Marumoto and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1019) recommending that S.B. No. 988, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Luke, Marumoto and Saiki being excused.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 66 through 71) and concurrent resolutions (H.C.R. Nos. 88 through 97) were referred to Printing and further action was deferred:

H.R. No. 66, entitled: "HOUSE RESOLUTION REQUESTING THE JOHN A. BURNS SCHOOL OF MEDICINE TO ESTABLISH AND HEAD A TASK GROUP TO REVIEW ISSUES RELATED TO STEM CELL RESEARCH," was jointly offered by Representatives Arakaki, Green, Lee and Shimabukuro.

H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING PARTICIPATION IN THE FEDERAL PROGRAM TO ASSIST STATES IN OBTAINING SCRAPPED FEDERAL SHIPS TO USE AS ARTIFICIAL REEFS IN THE WATERS OF THE STATE OF HAWAII," was jointly offered by Representatives Shimabukuro, Berg, Morita, Thielen and Waters.

H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was offered by Representative Hale.

H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING THE NATURE CONSERVANCY OF HAWAII TO ESTABLISH A KA'U DEVELOPMENT COMMISSION," was jointly offered by Representatives Herkes and Say.

H.R. No. 70, entitled: "HOUSE RESOLUTION URGING THE STATE TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM TO THE EXTENT POSSIBLE IN SERVING THE LONG-TERM CARE NEEDS OF THE STATE'S RESIDENTS," was jointly offered by Representatives Arakaki, Green, Kahikina, Lee and Nishimoto.

H.R. No. 71, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP METHODS TO SUPPORT FAMILY CAREGIVERS WHO PROVIDE AT-HOME CARE TO QUALIFIED RELATIVES," was jointly offered by Representatives Arakaki, Green, Kahikina, Lee and Nishimoto.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES CONSIDER IMPOSING RESTRICTIONS ON PUBLIC ACCESS TO THE AHIHI-KINAU NATURAL AREA RESERVE," was offered by Representative Souki.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JOHN A. BURNS SCHOOL OF MEDICINE TO ESTABLISH AND HEAD A TASK GROUP TO REVIEW ISSUES RELATED TO STEM CELL RESEARCH," was jointly offered by Representatives Arakaki, Green, Lee and Shimabukuro.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNMENT AGENCIES AND TOURISM ENTITIES AND RELATED BUSINESSES TO SUPPORT EFFORTS TO USE THE OFFICIAL NAME FOR THE ISLAND OF MOKOLI'I," was jointly offered by Representatives Arakaki, Carroll, Chang, Evans, Ito, Kahikina, Kanoho, Magaoay, Meyer, Morita, Chong and Saiki.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PARTICIPATION IN THE FEDERAL PROGRAM TO ASSIST STATES IN OBTAINING SCRAPPED FEDERAL SHIPS TO USE AS ARTIFICIAL REEFS IN THE WATERS OF THE STATE OF HAWAII," was jointly offered by Representatives Shimabukuro, Berg, Evans, Morita, Thielen and Waters.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was offered by Representative Hale.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO DRAFT PROPOSED LEGISLATION TO AMEND THE INVOLUNTARY OUTPATIENT TREATMENT LAW UNDER CHAPTER 334, HAWAII REVISED STATUTES, TO ENSURE PROPER OUTPATIENT TREATMENT OF PERSONS WITH NEUROLOGICAL DISORDERS OF THE BRAIN," was offered by Representative Hale.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATURE CONSERVANCY OF HAWAII TO ESTABLISH A KA'U DEVELOPMENT COMMISSION," was jointly offered by Representatives Herkes and Say.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM TO THE EXTENT POSSIBLE IN SERVING THE LONG-TERM CARE NEEDS OF THE STATE'S RESIDENTS," was jointly offered by Representatives Arakaki, Green, Kahikina, Lee, Nishimoto and Sonson.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP METHODS TO SUPPORT FAMILY CAREGIVERS WHO PROVIDE AT-HOME CARE TO QUALIFIED RELATIVES," was jointly offered by Representatives Arakaki, Green, Kahikina, Lee, Nishimoto and Sonson.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF MAY AS MENTAL HEALTH AWARENESS MONTH," was jointly offered by Representatives Arakaki, Finnegan, Green, Lee and Sonson.

#### ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I would ask the Members to all look for the little pink notice in their mail, that's going to be delivered to your office. And on behalf of Representatives Marilyn Lee and Hermina Morita, we are asking all of our Members to once again participate in our annual Easter basket gathering, to obtain the Easter baskets to be turned in to the Institute for Human Services, the IHS Women's Program.

"We're asking that you fill the baskets with shampoos, other toiletries and cosmetics for the women at the women's shelter and that you take them either to the office of Representative Marilyn Lee, Hermina Morita or my office no later than next Wednesday, March 23rd. So, if you will do your Easter basket shopping this weekend, I'd really appreciate that. And decorate them. And it always helps to put in a little toy because there are children there at the shelter as well. So, we look forward to receiving those.

"And Mr. Speaker, I hope that we can put them in the front of the podium on Wednesday morning. We're going to then be presenting them, having a presentation to IHS on Thursday, at a time to be announced. Remember the date for the baskets is Wednesday morning, March 23rd. Then we will ask the Sergeant-at-Arms to help us bring them down here so everyone can see what we've gathered and then the formal presentation will be Thursday, and we'll announce that time. Everyone's been great in the past and as I remember, Representative Kawakami's basket, I think, won the outstanding award before. She does an absolutely outstanding job in her office. Thank you."

Representative Berg: "Thank you, Mr. Speaker. I would just like to commend the first staff office, regarding the food drive. The Sergeant-at-Arms Office is the first staff office that has contributed. And also thank Representative Takai and

Representative Takumi for each donating 100 pounds of rice. Thank you."

#### ADJOURNMENT

At 12:39 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 11, 2005. (Representatives Herkes, Luke, Marumoto and Saiki were excused.)

TWENTY-EIGHTH DAY

Friday, March 11, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Ezra R. Kanoho, after which the Roll was called showing all members present with the exception of Representatives Chang, Ching, Herkes, Morita and Thielen, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 178 through 180) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 178, transmitting the 2004 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General.

Gov. Msg. No. 179, transmitting the School-by-School Expenditure Report, submitted by the Department of Education.

Gov. Msg. No. 180, transmitting the 2004 Annual Report for Fiscal Year 2003, submitted by the Office of Youth Services.

INTRODUCTIONS

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

Representative Meyer introduced Ms. Janet Morse, American Association of University Women, Windward Oahu Branch Co-President, and other national delegates of the Association.

Representative Finnegan introduced students from the Santisuk English School, a ministry of the Peace Fellowship Church in Bangkok, Thailand, accompanied by Mr. Steve and Mrs. Nopaluk Cable; and Pastor Greg Diruberger of the Calvary Church of the Pacific.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 64 through 71) and concurrent resolutions (H.C.R. Nos. 84 through 97) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
64	Committee on Energy & Environmental Protection
65	Committee on Education, then to the Committee on Finance
66	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance

67	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs
68	Committee on Education, then to the Committee on Finance
69	Committee on Water, Land, & Ocean Resources
70	Jointly to the Committee on Health and the Committee on Human Services
71	Jointly to the Committee on Health and the Committee on Human Services

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
84	Committee on Energy & Environmental Protection
85	Committee on Education, then to the Committee on Finance
86	Committee on Transportation
87	Committee on Health, then to the Committee on Finance
88	Committee on Water, Land, & Ocean Resources
89	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance
90	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs
91	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs
92	Committee on Education, then to the Committee on Finance
93	Committee on Health, then to the Committee on Judiciary
94	Committee on Water, Land, & Ocean Resources
95	Jointly to the Committee on Health and the Committee on Human Services
96	Jointly to the Committee on Health and the Committee on Human Services
97	Committee on Health

COMMITTEE REASSIGNMENT

The following Senate bill was re-referred to committee by the Speaker:

<u>S.B.</u> <u>No.</u>	<u>Re-referred to:</u>
1262, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance



### STANDING COMMITTEE REPORT

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1020), recommending that H.C.R. No. 36, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 36, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR THE EARLY DETECTION OF PROSTATE CANCER IN ACCORDANCE WITH NATIONALLY RECOGNIZED AND ACCEPTED PROSTATE CANCER EARLY DETECTION GUIDELINES," was referred to the Committee on Consumer Protection & Commerce with Representatives Chang, Herkes, Morita and Thielen being excused.

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 72 through 81) and concurrent resolutions (H.C.R. Nos. 98 through 108) were referred to Printing and further action was deferred:

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR, THE DIRECTOR OF HEALTH, AND THE DIRECTOR OF CIVIL DEFENSE TO PREPARE FOR A POSSIBLE INFLUENZA PANDEMIC," was jointly offered by Representatives Lee, Arakaki, Caldwell, Evans, Green, Marumoto, Morita, B. Oshiro, M. Oshiro, Takai, Yamane, Cabanilla, Carroll, Chong, Tanaka, Tsuji and Waters.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TEMPORARY INTERDEPARTMENTAL EMERGENCY CONTRACEPTION INFORMATION WORKING GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," was jointly offered by Representatives Lee, Evans, Green, Marumoto, Morita, B. Oshiro, M. Oshiro, Takai, Chong and Tsuji.

H.R. No. 74, entitled: "HOUSE RESOLUTION URGING THE DESIGNATION OF ALL OF HAWAII'S AIRPORTS AS SMOKE-FREE AREAS FROM AIRPLANE CABIN TO AIRPORT CURB," was jointly offered by Representatives Lee, Green, Marumoto, Morita, M. Oshiro, Takai, Chong and Tsuji.

H.R. No. 75, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY AND PROPOSE RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII," was jointly offered by Representatives Lee, Green, Morita, M. Oshiro, Takai, Chong, Marumoto and Tsuji.

H.R. No. 76, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST ANALYSIS ON PROVIDING TRANSPORTATION FOR PUBLIC SCHOOL STUDENTS FOR SUMMER SCHOOL AND EXTRA CURRICULAR ACTIVITIES," was offered by Representative Evans.

H.R. No. 77, entitled: "HOUSE RESOLUTION URGING THE UNITED STATE CONGRESS NOT TO CUT FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AS PROPOSED BY THE ADMINISTRATION IN THE FISCAL YEAR 2006 FEDERAL BUDGET," was jointly offered by Representatives Kahikina, Arakaki, Hale, Kawakami, Nishimoto, Sonson and Carroll.

H.R. No. 78, entitled: "HOUSE RESOLUTION URGING THE VARIOUS COUNTY COUNCILS TO PROVIDE RELIEF TO RESIDENTS ON FIXED INCOMES WHO ARE UNABLE TO AFFORD HIGHER PROPERTY TAXES," was jointly offered by Representatives Yamane, Berg, Cabanilla, Carroll, Chong, Green, Tanaka, Tsuji and Yamashita.

H.R. No. 79, entitled: "HOUSE RESOLUTION OPPOSING THE PROPOSED TRANSFER OF THE WAIHOLE VALLEY AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION FROM THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION TO THE DEPARTMENT OF HAWAIIAN HOMELANDS," was offered by Representative Meyer.

H.R. No. 80, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL," was offered by Representative M. Oshiro.

H.R. No. 81, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF HONOLULU TO INCREASE POLICE STAFF AND PRESENCE AND TO RESPOND FASTER TO CALLS FOR POLICE IN WAIPAHAU," was jointly offered by Representatives Sonson, Moses and Karamatsu.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TEMPORARY INTERDEPARTMENTAL EMERGENCY CONTRACEPTION INFORMATION WORKING GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," was jointly offered by Representatives Lee, Caldwell, Evans, Green, Marumoto, Morita, B. Oshiro, M. Oshiro, Takai, Cabanilla, Carroll, Chong, Tanaka, Tsuji and Yamane.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DESIGNATION OF ALL OF HAWAII'S AIRPORTS AS SMOKE-FREE AREAS FROM AIRPLANE CABIN TO AIRPORT CURB," was jointly offered by Representatives Lee, Arakaki, Caldwell, Green, Marumoto, Morita, M. Oshiro, Takai, Cabanilla, Carroll, Chong, Tanaka, Tsuji and Yamane.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY AND PROPOSE RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII," was jointly offered by Representatives Lee, Arakaki, Caldwell, Green, Marumoto, Morita, B. Oshiro, M. Oshiro, Takai, Yamane, Carroll, Chong, Tanaka and Tsuji.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST ANALYSIS ON PROVIDING TRANSPORTATION FOR PUBLIC SCHOOL STUDENTS FOR SUMMER SCHOOL AND EXTRA CURRICULAR ACTIVITIES," was offered by Representative Evans.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATE CONGRESS NOT TO CUT FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AS PROPOSED BY THE ADMINISTRATION IN THE FISCAL YEAR 2006 FEDERAL BUDGET," was jointly offered by Representatives Kahikina, Arakaki, Hale, Kawakami, Nishimoto and Carroll.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL PROGRAM AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS," was jointly offered by Representatives Kahikina, Arakaki, Hale, Kawakami, Nishimoto, Sonson, Waters, Green and Halford.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH A WORKING GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," was jointly offered by Representatives Arakaki, Finnegan, B. Oshiro and Luke.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE VARIOUS COUNTY COUNCILS TO PROVIDE RELIEF TO RESIDENTS ON FIXED INCOMES WHO ARE UNABLE TO AFFORD HIGHER PROPERTY TAXES," was jointly offered by Representatives Yamane, Berg, Cabanilla, Carroll, Chong, Green, Tanaka, Tsuji and Yamashita.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE PROPOSED TRANSFER OF THE WAIHOLE VALLEY AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION FROM THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION TO THE DEPARTMENT OF HAWAIIAN HOMELANDS," was offered by Representative Meyer.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL," was offered by Representative M. Oshiro.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF HONOLULU TO INCREASE POLICE STAFF AND PRESENCE AND TO RESPOND FASTER TO CALLS FOR POLICE IN WAIPAHU," was jointly offered by Representatives Sonson, Cabanilla, Moses, Yamane and Karamatsu.

#### ANNOUNCEMENT

Representative Arakaki: "Thank you, Mr. Speaker. I'd like to invite the members of the Keiki Caucus for a meeting this afternoon in Room 329. And lunch will be provided. We will be reviewing the status of legislation for the package. Thank you."

#### ADJOURNMENT

At 12:13 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, March 14, 2005. (Representatives Chang, Herkes, Morita and Thielen were excused.)

## TWENTY-NINTH DAY

Monday, March 14, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:06 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered by Mr. Keli'i Akina, Youth for Christ, after which the Roll was called showing all members present with the exception of Representatives Hiraki and Say, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 181) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 181, transmitting the reporting requirements of Act 41, Section 37.1, SLH 2004 updated as of December 31, 2004, submitted by the Department of Hawaiian Home Lands.

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 391) was received and announced by the Clerk:

Sen. Com. No. 391, transmitting S.C.R. No. 16, SD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, MATERNAL AND CHILD HEALTH BRANCH, TO STUDY THE ROLE OF GESTATIONAL ENVIRONMENTS, GENTLE BIRTHING PRACTICES, DOMESTIC HARMONY AWARENESS, AND APPROPRIATE AND SUFFICIENT TOUCH AND THEIR CONNECTION TO PUBLIC POLICY CONCERNS THAT INCLUDE SUBSTANCE ABUSE, ALCOHOLISM, AND DOMESTIC VIOLENCE," which was adopted by the Senate on March 11, 2005.

## INTRODUCTIONS

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

Representative Finnegan introduced students participating in the Youth for Christ, Tomorrow's Leaders program, accompanied by President and founder, Mr. Keli'i Akina; Co-founder, Mrs. Patty Akina; and faculty and staff, Mr. Kendall Shimabukuro, Mr. Danny Casey and Ms. Cecilia Chu.

Vice Speaker Takai introduced Mr. Mark Hunter, an education advocate from Tampa Bay, Florida.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 72 through 81) and concurrent resolutions (H.C.R. Nos. 98 through 108) were referred to committee by the Speaker:

H.R.Nos.Referred to:

72	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs
73	Committee on Health, then to the Committee on Finance
74	Committee on Health, then to the Committee on Finance
75	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance
76	Committee on Education
77	Committee on Housing
78	Committee on Finance
79	Committee on Housing and the Committee on Hawaiian Affairs
80	Committee on Legislative Management
81	Committee on Public Safety & Military Affairs, then to the Committee on Finance

H.C.R.  
Nos.Referred to:

98	Committee on Health, then to the Committee on Finance
99	Committee on Health, then to the Committee on Finance
100	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance
101	Committee on Education
102	Committee on Housing
103	Committee on Hawaiian Affairs, then to the Committee on Finance
104	Committee on Health, then to the Committee on Judiciary
105	Committee on Finance
106	Jointly to the Committee on Housing and the Committee on Hawaiian Affairs
107	Committee on Legislative Management
108	Committee on Public Safety & Military Affairs, then to the Committee on Finance

## COMMITTEE REASSIGNMENTS

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

S.B.

<u>Nos.</u>	<u>Re-referred to:</u>	
116, SD2	Committee on Health, then to the Committee on Finance	The following resolutions (H.R. Nos. 86 and 87) were announced by the Clerk and the following action taken:
131, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	H.R. No. 86, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING ROBIN K. CAMPANIANO, A 2005 HAWAII BUSINESS HALL OF FAME LAUREATE," was jointly offered by Representatives Abinsay, Arakaki, Finnegan, Kanoho, Schatz, Cabanilla, Carroll, Hiraki, Karamatsu, Kawakami, Magaoay, Nakasone and Say.
459, SD2	Committee on Finance	
575, SD1	Committee on Finance	H.R. No. 87, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING MASARU "PUNDY" YOKOUCHI, A 2005 HAWAII BUSINESS HALL OF FAME LAUREATE," was jointly offered by Representatives Abinsay, Schatz, Arakaki, Cabanilla, Carroll, Finnegan, Hiraki, Kanoho, Karamatsu, Kawakami, Magaoay, Nakasone, Say, Souki, Tanaka and Yamashita.
778, SD1	Committee on Finance	
1100, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	Representative Abinsay moved that H.R. Nos. 86 and 87 be adopted, seconded by Representative Souki.
1230	Committee on Consumer Protection & Commerce	Representative Abinsay introduced Mr. Robin K. Campaniano, a 2005 Hawaii Business Hall of Fame Laureate, who was seated on the floor of the House.
1347, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	Representative Souki introduced Mr. Masaru "Pundy" Yokouchi, a 2005 Hawaii Business Hall of Fame Laureate, who was seated on the floor of the House.
1419, SD1	Committee on Finance	Representative Abinsay also introduced members of Junior Achievement of Hawaii who were seated on the floor of the House: Chairman, Mr. Steven Teruya; and President, Ms. Eva Smith.
1643, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	Representative Abinsay then introduced the following employees of AIG:
1661, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	Ms. Ann Nakagawa, Vice President, Accounting Department; Ms. Linda Trepanier, Accounting Department; Mr. Pat Hatnett, Vice President, Claims Department; Mr. Martin Medeiros, Claims Department; Ms. Amy Onofrietti, Claims Department;
1697, SD2	Jointly to the Committee on Transportation and the Committee on Higher Education, then to the Committee on Finance	Mr. Neal Kunde, Vice President, Commercial Line Underwriting Department; Mr. Gordon Sasaki, Commercial Line Underwriting Department; Mr. Phil Ogata, Commercial Line Underwriting Department; Ms. Lisa Halvorson, Assistant Vice President, Customer Relations Management; Ms. Marilyn Shimata, Customer Service Department; Mr. Al Lopez, Customer Service Department; Ms. Monique Pascual, Customer Service Department; Ms. Judy Gerard, Executive Department; Mr. Carl Nagatori, Vice President, Group Sales; Ms. Doris Ohara, Vice President, Human Resources; Ms. Debbie Lai Hipp, IT Department; Mr. Craig Matsuda, IT Department; Ms. Maria Carvalho, Underwriting Department; Mr. Melvin Sakurai, Vice President/Department Head, Marketing; Ms. Cheryl Nishita, Marketing; and Ms. Michaela Saito, Department Head, Executive Department.
1699, SD1	Committee on Finance	
1713, SD1	Committee on Finance	
1778, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	
1817, SD2	Committee on Judiciary, then to the Committee on Finance	
The following resolution and concurrent resolution were re-referred to committee by the Speaker:		
<u>H.R. No.</u>	<u>Re-referred to:</u>	
56	Committee on Health, then to the Committee on Finance	
<u>H.C.R. No.</u>	<u>Re-referred to:</u>	
67	Committee on Health, then to the Committee on Finance	

**INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)**

The motion was put to vote by the Chair and carried, and H.R. Nos. 86 and 87 were adopted with Representatives Kanoho, Luke and Say being excused.

At 12:29 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 82 through 85) and concurrent resolutions (H.C.R. Nos. 109 through 111) were referred to Printing and further action was deferred:

H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ASSIST IN THE REESTABLISHMENT OF THE CHILD AND ADOLESCENT MENTAL HEALTH UNIT, KNOWN AS THE MOLOKINI UNIT, AT MAUI MEMORIAL MEDICAL CENTER, IN ORDER TO PROMOTE A LOCAL SYSTEM OF CARE ON THE ISLAND OF MAUI BASED ON THE HAWAII CHILD AND ADOLESCENT SYSTEM PROGRAM PRINCIPLES AND CONSISTENT WITH THE MANDATES OF THE 1997 FELIX CONSENT DECREE," was offered by Representative Souki.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF PUBLIC PARKING AT THE STATE CAPITOL," was offered by Representative Magaoay.

H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT FEDERAL LEGISLATION THAT PREVENTS BROWN TREE SNAKES FROM THE U.S. TERRITORY OF GUAM, FROM BEING INTRODUCED INTO HAWAII," was jointly offered by Representatives Abinsay, Chang, Halford, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita and Tanaka.

H.R. No. 85, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A PERMANENT STATE CULTURAL PUBLIC MARKET WITHIN THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was jointly offered by Representatives Abinsay, Chang, Halford, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita and Tanaka.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ASSIST IN THE REESTABLISHMENT OF THE CHILD AND ADOLESCENT MENTAL HEALTH UNIT, KNOWN AS THE MOLOKINI UNIT, AT MAUI MEMORIAL MEDICAL CENTER, IN ORDER TO PROMOTE A LOCAL SYSTEM OF CARE ON THE ISLAND OF MAUI BASED ON THE HAWAII CHILD AND ADOLESCENT SYSTEM PROGRAM PRINCIPLES AND CONSISTENT WITH THE MANDATES OF THE 1997 FELIX CONSENT DECREE," was offered by Representative Souki.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT FEDERAL LEGISLATION THAT PREVENTS BROWN TREE SNAKES FROM THE U.S. TERRITORY OF GUAM, FROM BEING INTRODUCED INTO HAWAII," was jointly offered by Representatives Abinsay, Chang, Halford, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita and Tanaka.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A PERMANENT STATE CULTURAL PUBLIC MARKET WITHIN THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was jointly offered by Representatives Abinsay, Chang, Halford, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita and Tanaka.

### ANNOUNCEMENTS

Representative Sonson: "Thank you, Mr. Speaker. I do have an announcement. We have an agenda for tomorrow that's already on file. It was filed on Friday, March 11, 2005 and there is a correction. I would like to request a waiver of the 48-hour notice requirement as a precautionary request. The hard copy that was filed with the correct bill number for S.B. 791, which will be heard on Tuesday, March 15, 2005, at 8:30a.m. in conference Room 329.

"However, the electronic version apparently had H.B. 791, instead of S.B. 791. So, to make it consistent and as a precautionary request, I would like to request a waiver of the 48-hour requirement," and the Chair "so ordered."

Representative Berg: "Thank you, Mr. Speaker. I just wanted to remind the Members that today is Monday, and we have four more days in this week in which to donate to the Foodbank. So my office is ready for those donations. Thank you."

### ADJOURNMENT

At 12:42 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 15, 2005. (Representatives Chang, Kanoho, Luke, Nakasone, Saiki, Say and Takamine were excused.)

## THIRTIETH DAY

Tuesday, March 15, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Chris Halford, after which the Roll was called showing all members present with the exception of Representatives Stonebraker, Takamine and Tsuji, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 182 through 183) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 182, transmitting the Report Pursuant to Section 321-27(d), Hawaii Revised Statute, Requiring an Annual Report on the Status of the Environmental Health Education Fund.

Gov. Msg. No. 183, transmitting the Department of Agriculture's Annual Report on the Trust Fund Appropriation for Plant, Pest, and Disease Control as required by Act 41, Session Laws of Hawaii 2004.

## DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 30) was received by the Clerk and was placed on file:

Dept. Com. No. 30, from Daniel J. Mollway, Executive Director and General Counsel, Hawaii State Ethics Commission, providing a list of members of the House of Representatives who attended the mandatory ethics training session in January, 2005, pursuant to Act 198(2004 Hawaii Session Laws) and noting that there was one-hundred percent compliance.

## INTRODUCTIONS

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

Representative Magaoy introduced 3rd grade students of Waialua Elementary School; their teachers, Mr. Dale Yoshizu, Ms. Toni Augustine, and Mr. Bob Atwood; tutor, Ms. Hamamoto; and parents, Ms. Blaser, Ms. Tumua, Ms. McCalls Ms. Moss, and Ms. Denzer.

Representative Green introduced his legislative 'shadow' with the Agriculture Leadership Program, Ms. Diana Duff of the Kona Outdoor Circle and an organic coffee farmer in Kona.

Representative Yamashita introduced his legislative 'shadow' with the Agriculture Leadership Program, Mr. Harry Cambra of HC&S, the Maui Farm Bureau, Hawaii and Maui 4-H Livestock Councils, and Spear Quarter Circle Ranch.

Representative Halford introduced his legislative 'shadow' with the Agriculture Leadership Program, Mr. Steven Raymond of HC&S on Maui.

Representative Carroll introduced her legislative 'shadow' with the Agriculture Leadership Program, Mr. Gabriel Audant of the Maui Yeshe Group, LLC in Kihei, and the Molokai Ag Development Program.

Representative Arakaki introduced, on behalf of the Uchinanchu legislators, Senator David Ige, and Representatives Nakasone, B. Oshiro, M. Oshiro, Shimabukuro, Takamine, Takumi and himself, exchange students from Okinawa. They were accompanied by Mr. Takashi Uezu, English Teachers' Consultant, Prefectural Education Division, Okinawa; Mr. Akira Ota, English Teacher, Haberu High School; and Ms. Kumiko Yabe, English Teacher, Naha-nishi High School.

Representative Arakaki then noted that Mr. Mark Tom, House Committee on Finance staff, and Mr. Christopher Cuaresma-Primm of Representative Nishimoto's staff were former participants in this exchange program.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 82 through 85) and concurrent resolutions (H.C.R. Nos. 109 through 111) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
82	Committee on Health, then to the Committee on Finance
83	Committee on Legislative Management
84	Committee on Agriculture
85	Committee on Agriculture, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
109	Committee on Health, then to the Committee on Finance
110	Committee on Agriculture
111	Committee on Agriculture, then to the Committee on Finance

## COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
40, SD1	Committee on Judiciary
637, SD2	Committee on Finance

675	Committee on Judiciary	was jointly offered by Representatives Nishimoto and Takai.
768, SD1	Committee on Tourism & Culture, then to the Committee on Judiciary	Representative Nishimoto, moved that H.R. No. 93 be adopted, seconded by Representative Takai.
782, SD1	Committee on Finance	Representative Takai introduced the honoree, Dr. Doris Michiko Yamauchi Ching, recipient of the 2004 Alpha Gamma Delta Distinguished Citizen Award; and her husband, Mr. Willie Ching, who were seated on the floor of the House.
967, SD1	Committee on Tourism & Culture, then to the Committee on Finance	
1129, SD2	Committee on Finance	Representative Takai also introduced the following friends of Dr. Ching who were seated in the gallery:
1249	Committee on Finance	Dr. Patricia Lee, Chairperson, Board of Regents; Mr. Trent Kakuda, Regent, Board of Regents;
1258, SD1	Committee on Finance	Dr. David Iha, Office of the Board of Regents; Mr. Walter Kirimitsu, UH General Council; Ms. Jan Yokota, Director of Capitol Improvements; Dr. Amy Agbayani, Director of the Office for Student Equity, Excellence and Diversity; Dr. Alan Yang, Dean of Students;
1352, SD1	Committee on Finance	Mr. David Morihara, Director of Governmental Relations; Ms. Myrtle Ching-Rappa, Director of the Office of Student Employment/Cooperative Education; Ms. Beverly Shigemura, Office of the Vice President of Student Affairs;
1394, SD2	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance	Ms. Laverne Hagiwara, Office of the Board of Regents; Ms. Millie Sugimoto, Office of the General Council; Mr. Isaac Watson, Hawaii Commission for National & Community Service;
1570	Committee on Finance	Ms. Tracy Loo, Hawaii Commission for National & Community Service;
1579, SD1	Committee on Finance	Mr. Capsun Poe, Regent Emeritus; Mr. Kris Kaupalolo, UH Student Caucus; Mr. Andrew Ogata, ASUH;
1580, SD1	Committee on Finance	Mr. Dennis Dunn, Vice Chair, Hawaii Commission for National & Community Services;
1581, SD1	Committee on Finance	Ms. Lee Rombaoa, member, Hawaii Commission for National & Community Services;
1582, SD1	Committee on Finance	Ms. Katie Mellinger, Alpha Gamma Delta; Ms. Yvonne Kaya, Secretary, Dean of Students Office; Ms. Ruth Ono;
1583, SD1	Committee on Finance	Mr. Ray Ono; Ms. Iris;
1584, SD1	Committee on Finance	Ms. Chassidy Shinno; Ms Shirley Hamakawa;
1585, SD1	Committee on Finance	Ms. Joan Harms; Mr. Gary Kawachi;
1642, SD2	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance	Dr. Jan Javinar, Director of the Department of Co-Curricular Activities, Programs, and Services; Ms. Stacey Higa;
1648, SD1	Committee on Higher Education, then to the Committee on Finance	Ms. Agnes Malate; Ms. Sharon Hicks; Ms. Annette Dung; Ms. Debby Dung, daughter of Annette Dung, former Miss Hawaii;
1781	Committee on Finance	Ms. Karen Seward;
1816, SD2	Committee on Judiciary, then to the Committee on Finance	Mr. Mel Minakami; Mr. Gordon Tyau; Ms. Roberta Cantley; Ms. Estelle Kiyama; Ms. Ann Ing; Ms. Ruth Tyau; Mr. Jerry Nutt; Ms. Sharon Mahoe; and Ms. Lorie Lum.

**INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 93) was announced by  
the Clerk and the following action taken:

H.R. No. 93, entitled: "HOUSE RESOLUTION  
CONGRATULATING DORIS MICHIKO YAMAUCHI  
CHING AS THE RECIPIENT OF THE 2004 ALPHA  
GAMMA DELTA DISTINGUISHED CITIZEN AWARD,"

The motion was put to vote by the Chair and carried, and  
H.R. No. 93 was adopted with Representatives Hale, Nakasone,  
Stonebraker, Takamine and Tsuji being excused.

At 12:26 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.m.

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 88 through 92) and concurrent resolutions (H.C.R. Nos. 112 through 121) were referred to Printing and further action was deferred:

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC HEALTH AND MEDICAL RECORDS MANAGEMENT," was offered by Representative Green.

H.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP PUBLIC ACCESS DEFIBRILLATION PROGRAMS IN THE SCHOOLS," was jointly offered by Representatives Kawakami, Arakaki, Hale, Shimabukuro, Cabanilla and Takumi.

H.R. No. 90, entitled: "HOUSE RESOLUTION RENAMING THE HAWAII RX PLUS PRESCRIPTION DRUG PROGRAM THE "TAKUMI-MENOR AFFORDABLE PRESCRIPTION DRUG PROGRAM" IN RECOGNITION OF REPRESENTATIVE TAKUMI'S AND SENATOR MENOR'S EFFORTS TO PROVIDE AFFORDABLE PRESCRIPTION DRUGS TO HAWAII CONSUMERS," was jointly offered by Representatives Takai and Hiraki.

H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING A UNIVERSAL SINGLE-PAYER HEALTH CARE SYSTEM FOR HAWAII," was offered by Representative Schatz.

H.R. No. 92, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS," was jointly offered by Representatives Ito, Lee, Souki and Tanaka.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COUNTY GOVERNMENTS TO IMPROVE AND ENFORCE LAND USE LAWS AND REGULATORY SYSTEMS AFFECTING TRANSIENT VACATION RENTALS," was offered by Representative Schatz.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was offered by Representative Herkes.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC HEALTH AND MEDICAL RECORDS MANAGEMENT," was offered by Representative Green.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT," was offered by Representative Shimabukuro.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP PUBLIC ACCESS DEFIBRILLATION PROGRAMS IN THE SCHOOLS," was jointly offered by Representatives Kawakami, Arakaki, Hale, Shimabukuro, Cabanilla and Takumi.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION RENAMING THE HAWAII RX PLUS PRESCRIPTION DRUG PROGRAM THE "TAKUMI-MENOR AFFORDABLE PRESCRIPTION DRUG PROGRAM" IN RECOGNITION OF REPRESENTATIVE TAKUMI'S AND SENATOR MENOR'S EFFORTS TO PROVIDE AFFORDABLE PRESCRIPTION DRUGS TO HAWAII CONSUMERS," was jointly offered by Representatives Takai and Hiraki.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A UNIVERSAL SINGLE-PAYER HEALTH CARE SYSTEM FOR HAWAII," was offered by Representative Schatz.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW THE LIQUOR CONTROL LAW AND ITS IMPLEMENTATION BY THE VARIOUS COUNTIES," was offered by Representative Schatz.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS," was jointly offered by Representatives Ito, Chong, Lee, Nakasone, Souki and Tanaka.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY INCLUDING ADMINISTRATION, LAW ENFORCEMENT, AND CORRECTIONS DIVISIONS," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Nakasone and Souki.

### ANNOUNCEMENTS

Representative Green: "Thank you, Mr. Speaker. It's my distinct pleasure to honor one of our own on her birthday today, Ms. Lyla Berg. If Lyla would stand and would receive a lei from Maile Shimabukuro.

"Mr. Speaker, if I might be so bold, I would also like to announce a surprise birthday party for Ms. Lyla Berg at her office immediately following session today. Thank you."

Representative Kahikina, for the Committee on Housing requested a waiver of the 48-hour advance notice requirement to hear S.B. No. 117, Relating to Housing, tomorrow, Wednesday at 10:30 a.m. in Room 329, and the Chair "so ordered."



Representative Finnegan: "Thank you, Mr. Speaker. Just announcing that the legislative fellowship group luncheon is today in Room 437, immediately following the House session as well. Thank you."

Representative Lee: "Thank you, Mr. Speaker. I just wanted to remind the Members that the baskets can be turned in at Representative Thielen's office, Representative Morita's office or mine. And if you're wondering what to put in them, any toiletries, or household items would be appropriate. If you don't know what you should do, come to my office and I'll show you a beautiful Easter basket that Representative Blake Oshiro has provided. And he did a really good job and his had been turned in right away. And so, I'm looking forward to receiving your Easter baskets. Thank you."

#### ADJOURNMENT

At 12:36 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 16, 2005. (Representatives Chang, Hale, Herkes, Nakasone, Saiki, Souki, Stonebraker, Takamine and Tsuji were excused.)

THIRTY-FIRST DAY

Wednesday, March 16, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Souki and Thielen, who were excused.

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

INTRODUCTIONS

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

Representative Takamine introduced students from Honokaa High School, accompanied by advisor, Ms. Angela Brandt; students from Kalaniana'ole School, accompanied by advisor, Ms. Mari Nakamura; students from Laupahoehoe School, accompanied by advisor, Ms. Jennifer Killackey; and students from Paauilo, accompanied by advisor, Mr. Dean Alip.

Representative Stonebraker introduced homeschool students and their parent, including his wife, Mrs. Keren Stonebraker and their daughters, Rachel, Yael, and Gabrielle Stonebraker.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 88, 89, 91 and 92) and concurrent resolutions (H.C.R. Nos. 112 through 121) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
88	Committee on Consumer Protection & Commerce, then to the Committee on Finance
89	Committee on Education, then to the Committee on Finance
91	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management
92	Committee on Public Safety & Military Affairs, then to the Committee on Education

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
112	Jointly to the Committee on Tourism & Culture and the Committee on Water, Land, & Ocean Resources
113	Committee on Consumer Protection & Commerce
114	Committee on Consumer Protection & Commerce, then to the Committee on Finance

115	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
116	Committee on Education, then to the Committee on Finance
117	Committee on Health, then to the Committee on Consumer Protection & Commerce
118	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management
119	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
120	Committee on Public Safety & Military Affairs, then to the Committee on Education
121	Committee on Public Safety & Military Affairs, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
128, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
467, SD2	Committee on Judiciary, then to the Committee on Finance
780	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing
781	Committee on Agriculture, then to the Committee on Judiciary
826	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
895, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
925, SD1	Committee on Finance
965, SD2	Committee on Judiciary, then to the Committee on Finance
1100, SD2	Committee on Judiciary
1140, SD1	Committee on Consumer Protection & Commerce
1210	Committee on Finance
1285, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

- 1327 Committee on Judiciary, then to the Committee on Finance
- 1478, Committee on Public Safety & Military Affairs, SD1 then to the Committee on Finance
- 1593, Jointly to the Committee on Agriculture and the SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

#### STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1021) recommending that S.B. No. 1038, SD 2, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1038, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," passed Second Reading and was referred to the Committee on Higher Education, with Representative Thielen being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1022) recommending that S.B. No. 747, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 747, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support, with some reservations. This went through CPC and I didn't register a reservation at that time. But, upon reading it again, I was thinking of why I fully supported it in the Committee. It was because the proponents of the bill marketed this as an identification bill. They said they don't know what the extent of the problems was with the money transmitters. They don't even know how many there are. They don't even know where they are. So, I said that if you're just going to identify them then I guess it's okay.

"But upon reading of the bill, it's very extensive. It is a regulation instead of an identification bill. It regulates all money transfer operations other than what's exempt. And basically, what that means is that those proponents of the bill are the competition of the small 'mom and pop' money transmitters; people that transfer money from here to outside of the United States or to other states.

"The competition, who are the proponents of the bill, are the banks. They are exempt from this bill. And that makes me suspect that they may be just claiming what they claim as their market share. What the proposal says, Mr. Speaker, is that if a person has to register by providing various types of documents, and by looking at this list it is very, it looks like its quite difficult to fulfill some of the requirements of the registration.

"And two, it provides a penalty if you're not registered for \$1,000 a day. And it's unclear whether this \$1,000 a day would go backwards. For example, if you've been in business for maybe three weeks or 360 days, will they be fined at that time for 360 days? Or, will they just be fined from \$1,000 a day

from the date that they are cited? So, that's unclear and hopefully that the next Committee, Judiciary, will be able to clean up that language.

"And again, Mr. Speaker, my reservation is because I believe that in fact, I know a lot of money transmitters that provide a good service. It's a cheap service other than that provided by the banks to serve in countries, and more specifically the Country of the Philippines, where a lot of families depend on this; maybe \$100 or \$50 be transmitted in a month. I believe that by making it more expensive for small 'mom and pop' transmitters to send this money out, it's going to cost a lot more money. And of course, if consumers are forced to use a more expensive means to transmit their money, I do believe that it is a disservice to the consumers. So, thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. I'd like to speak in favor of this measure. We saw a similar House bill when we passed Second Reading. And, I don't believe that some money transmitters will be charging more money than the cheaper ones. This is not a cost type of thing. Banks have a higher duty in terms of national security to make sure that they know who they're banking with; who they're handling as clients. Because of new national security regulations, they must report any suspicious activity of any high-risk businesses. And apparently money transmitters are a high-risk business.

"There was a small ice cream store in New York that was sending money overseas. And in this case they were sending a lot of money and it was going to al-Qaeda. But in this State, we have the Attorney General and the Lieutenant Governor testifying that we should know who these money transmitters are because they move a lot of drug money, and crime money, and white-collar crime money. Thus we must know where these people operate; who they are.

"Right now, we have no idea where these businesses are. We do not need to have the banks fall under this category, and register them because banks are already identified. They are chartered by the State or the federal government and they are highly regulated. So this is an industry where we don't know who transmits money and where they operate from. And at least as a first step we need a registration and this is what the Department of Commerce and Consumer Affairs is asking for.

"Also it will be an assurance for the banks so that they know who they are dealing with and they feel a liability. So I think we should at least help them out in this regard. Thank you."

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

"Thank you, Mr. Speaker, I also rise in favor of this measure. I would also ask that the words of the Representative from Kahala be incorporated as my own. And I would add that this measure promises to reduce the potential of customer losses from fraud and unsound business practices. So I think it is looking out for the consumer, as well as the enhancement of money laundering laws. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 747, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Second Reading and was

referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1023) recommending that S.B. No. 1461, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1461, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES MANAGEMENT," passed Second Reading and was referred to the Committee on Higher Education, with Representative Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1024), recommending that H.C.R. No. 11, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 11, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"First, I'd like to speak in favor of this resolution, but I'd like to declare a possible conflict. I'm a member of the Mililani Town Anti-Drug Committee and its Legislative Action Committee," and the Chair ruled "no conflict."

Representative Lee continued in support of the measure, stating:

"Thank you. Mr. Speaker, this resolution is based on a recommendation for best practices by the Boston based, National Institute for Substance Abuse. The point is, here is an opportunity to make referrals, and then begin intervention in hopes that long-term substance abuse can be avoided.

"Early intervention is really the only effective way to prevent the long-term health effects and cost to society from the use of a substance such as ice. The savings in human misery and government dollars will be significant in the long run. Insurers would also be wise to recognize the value of prevention and early intervention in substance abuse as they have in other areas of health care.

"I strongly support this resolution. I do think the amended version actually was not necessary to leave out the referral portion because that's basically what the resolution had in mind; referral to counseling, not actual counseling in the emergency room. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR DRUG AND ALCOHOL SCREENING IN EMERGENCY ROOMS," was referred to the Committee on Finance, with Representative Thielen being excused.

By unanimous consent, the following resolutions (H.R. Nos. 94 through 220) and concurrent resolutions (H.C.R. Nos. 112 through 296) were referred to Printing and further action was deferred:

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE PASSAGE OF HR 4637 THE COMBAT MILITARY MEDICALLY RETIRED VETERAN'S FAIRNESS ACT," was jointly offered by Representatives Pine, Moses, Ching, Chong, Fox, Halford, Lee, Souki and Tanaka.

H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING A COMPREHENSIVE STUDY OF CURRENT AND ANTICIPATED HARBOR USES ON OAHU TO IMPROVE HARBOR EFFICIENCY AND EFFECTIVENESS," was offered by Representative Herkes.

H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING AND LICENSING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS," was jointly offered by Representatives Chang, Ching, Karamatsu, Magaoay, Wakai, Yamashita and Abinsay.

H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THAT THE HAWAII VISITORS AND CONVENTIONS BUREAU AMEND ITS VISITOR SURVEY TO CLARIFY THAT VISITORS MAY TAKE HOME CERTAIN PLANTS OBTAINED IN HAWAII," was jointly offered by Representatives Chang, Abinsay, Green, Kanoho, Karamatsu, Schatz, Sonson, Takai, Tsuji and Yamashita.

H.R. No. 98, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES ARMY TO RE-EXAMINE THE ADVERSE HEALTH EFFECTS CAUSED BY INCREASED TRAINING AT THE POHAKULOA TRAINING AREA ON THE ISLAND OF HAWAII," was offered by Representative Hale.

H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT," was offered by Representative Shimabukuro.

H.R. No. 100, entitled: "HOUSE RESOLUTION URGING PRESIDENT GEORGE W. BUSH TO RECONSIDER HIS PLAN TO PRIVATIZE SOCIAL SECURITY," was jointly offered by Representatives M. Oshiro, Green, Arakaki, Kahikina and Nishimoto.

H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY EXAMINING THE NEED FOR, COSTS OF, AND PLACEMENT OF A PERMANENT EMERGENCY MEDICAL SERVICES HUB AND AMBULANCE UNIT IN THE MILILANI AND WAIPIO GENTRY AREAS ON OAHU," was jointly offered by Representatives Yamane, Arakaki, Cabanilla, Lee, Hale, Magaoay and Nishimoto.

## INTRODUCTION OF RESOLUTIONS

H.R. No. 102, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM," was jointly offered by Representatives Ito and Chong.

H.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING A TASK FORCE BE CONVENED TO CONDUCT A COST ANALYSIS ASSESSMENT OF DESIGNING AND CONSTRUCTING A STATE DNA LAB," was offered by Representative Marumoto.

H.R. No. 104, entitled: "HOUSE RESOLUTION URGING CONGRESS TO PASS LEGISLATION FOR A FEDERALLY-FUNDED, HIGH-QUALITY PUBLIC EDUCATION SYSTEM FROM THE PRESCHOOL TO UNIVERSITY LEVEL," was jointly offered by Representatives Lee, Green, Hale, Morita, Nishimoto, Shimabukuro, Berg, Chong, Ito, Nakasone, Wakai and Yamane.

H.R. No. 105, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Schatz.

H.R. No. 106, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK OR THE PROPERTY OWNER WHO SUCCEEDS HER FOR THE CONSTRUCTION OF THE PAHOA HIGH AND INTERMEDIATE SCHOOL GYMNASIUM," was offered by Representative Hale.

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH AND MAINTAIN AN OBESITY DATABASE AMONG DEPARTMENT OF EDUCATION TEACHERS," was offered by Representative Cabanilla.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was offered by Representative Morita.

H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE ESTABLISHMENT OF RULES RELATING TO THE REGULATION OF POLYBROMINATED DIPHENYL ETHERS FOR THE PURPOSES OF ENFORCING CHAPTER 332D, HAWAII REVISED STATUTES," was offered by Representative Marumoto.

H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PERFORM A STUDY ON THE ISSUES ASSOCIATED WITH, AND THE UTILITY OF MANDATING THE USE OF HELMETS FOR MOTORCYCLE, MOPED, MOTOR SCOOTER OPERATORS, AND BICYCLISTS, REGARDLESS OF AGE," was offered by Representative Marumoto.

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PERFORM A STUDY ON THE ISSUES ASSOCIATED WITH, AND THE UTILITY OF A BAN ON LCD TYPE DISPLAY SCREENS IN VEHICLES," was offered by Representative Marumoto.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COLLECT INFORMATION ON ACCIDENT REPORTS ON THE RIDING IN THE CARGO BEDS OF PICKUP TRUCKS AND CURRENT NATIONWIDE LAWS ON THE RIDING IN THE CARGO BEDS OF PICKUP TRUCKS," was offered by Representative Marumoto.

H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," was jointly offered by Representatives Arakaki, Cabanilla, Green, Hale, Kahikina, Shimabukuro, Sonson and Finnegan.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was offered by Representative Luke.

H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IMPLEMENT A COMPREHENSIVE REVIEW OF EXISTING NOISE REGULATIONS AND TO DEVELOP A PLAN TO ADDRESS NOISE POLLUTION," was offered by Representative Luke.

H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROTECT WILDLIFE, WILDERNESS, AND INDIGENOUS WAYS OF LIFE BY OPPOSING OIL AND GAS DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," was jointly offered by Representatives Morita, Berg, Hale, Lee, Luke, Shimabukuro, Thielen, Carroll, Hiraki, Kahikina, Takumi, Wakai, Waters and Yamane.

H.R. No. 117, entitled: "HOUSE RESOLUTION CONVENING A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR CREATING A COMPREHENSIVE VOG EMISSIONS MONITORING SYSTEM FOR THE ISLAND OF HAWAII," was offered by Representative Hale.

H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU STUDY THE ISSUES ASSOCIATED WITH CRIMINALIZING THE TRANSMISSION OF BULK E-MAIL OR "SPAM"," was offered by Representative Marumoto.

[Note: The following House Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE JUDICIARY COMMITTEE TO CONDUCT AN INTERIM HEARING TO GATHER INFORMATION TO ASSESS THE FEASIBILITY OF AND TO IDENTIFY ISSUES SURROUNDING THE ALLOWANCE OF DRUG SNIFFING DOGS IN PUBLIC SCHOOLS," was offered by Representative Marumoto.

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE JUDICIARY COMMITTEE TO CONDUCT AN INTERIM HEARING TO GATHER INFORMATION TO ASSESS THE FEASIBILITY OF AND TO IDENTIFY ISSUES SURROUNDING THE ALLOWANCE OF DRUG SNIFFING DOGS IN STATE CORRECTIONAL FACILITIES," was offered by Representative Marumoto.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EASING OF RESTRICTIONS ON HUMANITARIAN VISAS," was offered by Representative Marumoto.

H.R. No. 122, entitled: "HOUSE RESOLUTION SUPPORTING THE USE OF THE STUDENT BODY OF KAPIOLANI COMMUNITY COLLEGE TO PROVIDE STATISTICAL EVIDENCE TO BUILD AN ADDITIONAL PARKING FACILITY AT KAPIOLANI COMMUNITY COLLEGE," was offered by Representative Marumoto.

H.R. No. 123, entitled: "HOUSE RESOLUTION REQUESTING THE WOMEN'S CAUCUS OF THE HAWAII STATE LEGISLATURE TO FORM ACTION GROUPS TO DISSEMINATE INFORMATION FOCUSING ON THE ELIMINATION OF CERVICAL CANCER IN THE STATE," was jointly offered by Representatives Marumoto, Finnegan and Lee.

H.R. No. 124, entitled: "HOUSE RESOLUTION SUPPORTING ESTATE GROWN HAWAII NONI AND ENCOURAGING CONSUMERS TO PURCHASE AND SUPPORT ESTATE GROWN HAWAII NONI AND THE LOCAL NONI INDUSTRY," was jointly offered by Representatives Say and Hale.

H.R. No. 125, entitled: "HOUSE RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY EFFICIENT DESIGN AND PERFORMANCE STANDARDS FOR NEW CONSTRUCTION, RENOVATION, AND RETROFITTING FOR BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was jointly offered by Representatives Say, Morita and Waters.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO STUDY THE IMPOSITION OF A WINDFALL PROFIT TAX ON THE FAIR MARKET VALUE OF IMPROVEMENTS THAT REVERT TO A LESSOR AT THE TERMINATION OF A COMMERCIAL OR INDUSTRIAL LEASE," was jointly offered by Representatives Takamine and Say.

H.R. No. 127, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WHENEVER OCEANFRONT PROPERTY IS ACQUIRED AND DEVELOPED BY PRIVATE ENTITIES FOR PRIVATE USE, TO ACQUIRE COMPARABLE OCEANFRONT PROPERTY FOR PUBLIC USE AS A BEACH PARK," was offered by Representative Green.

H.R. No. 128, entitled: "HOUSE RESOLUTION ENCOURAGING DEPOSIT BEVERAGE CONTAINER RECYCLING IN STATE PARKS," was offered by Representative Morita.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATEWIDE INTERAGENCY TASK FORCE TO PERFORM A STUDY ON MOTORCYCLE SAFETY ISSUES, AND TO CLARIFY THE ROLE OF THE DEPARTMENT OF TRANSPORTATION IN REGULATING SAFETY," was offered by Representative Finnegan.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PROGRAM BETWEEN THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND THE DEPARTMENT OF HUMAN SERVICES WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOL TO SELF-REGULATE AND MANAGE PRIVATE PRESCHOOLS," was jointly offered by Representatives Finnegan and Takumi.

H.R. No. 131, entitled: "HOUSE RESOLUTION SUPPORTING THE RECOMMENDATION OF THE KUALI'I NATIVE HAWAIIAN ADVISORY COUNCIL OF THE UNIVERSITY OF HAWAII AT MANOA THAT THE UNIVERSITY CONFER HONORARY DOCTORATE DEGREES ON GENOA KEAWE, PUALANI KANA'OLE KANAHELE, NAINOA THOMPSON, AND LEVON OHAI," was offered by Representative Shimabukuro.

H.R. No. 132, entitled: "HOUSE RESOLUTION SUPPORTING THE ESTABLISHMENT OF A NEW HAWAII'INUIAKEA SCHOOL OF HAWAIIAN KNOWLEDGE AND THE MERGER OF THE KAMAKAKUOKALANI CENTER FOR HAWAIIAN STUDIES, HAWAIIAN LANGUAGE DEPARTMENT, NATIVE HAWAIIAN LEADERSHIP PROJECT, AND NATIVE HAWAIIAN STUDENT SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Shimabukuro.

H.R. No. 133, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO EXEMPT KULEANA LANDS FROM ALL REAL PROPERTY TAXES," was jointly offered by Representatives Saiki and Carroll.

H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON STATUTORY IMPLIED CONSENT FORMS," was offered by Representative Souki, by request.

H.R. No. 135, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REFRAIN FROM RULEMAKING OR APPLYING ANY DEFINITION OF "MIXED WINE" OR "MIXED SPIRITS" UNDER THE DEPOSIT BEVERAGE CONTAINER LAW," was offered by Representative Karamatsu.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO COOPERATE WITH EMPLOYERS OF THE VILLAGE PARK AND UPPER WAIPAHA COMMUNITIES TO ARRANGE FOR ADEQUATE BUS SERVICES TO BE PROVIDED FOR RESIDENTS DURING THE PEAK COMMUTE HOURS OF THE WORKDAY," was jointly offered by Representatives Moses, Cabanilla, Karamatsu, Meyer, Shimabukuro, Abinsay, Carroll, Chang, Ching, Finnegan, Fox, Halford, Hiraki, Kahikina, Nishimoto, Pine, Stonebraker and Tsuji.

H.R. No. 137, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS," was offered by Representative Morita.

H.R. No. 138, entitled: "HOUSE RESOLUTION OPPOSING THE PRIVATIZATION OF SOCIAL SECURITY," was jointly offered by Representatives Takumi, Caldwell, Morita, B. Oshiro, M. Oshiro, Takai, Berg, Luke and Saiki.

H.R. No. 139, entitled: "HOUSE RESOLUTION URGING CONGRESS TO PASS FEDERAL LEGISLATION TO PROVIDE ACCESS TO SAFE, AFFORDABLE PRESCRIPTION DRUGS BY ALLOWING PURCHASE OF PRESCRIPTION DRUGS FROM CANADA AND OTHER COUNTRIES THAT MEET FEDERAL SAFETY REQUIREMENTS AND REQUESTING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT AND IMPLEMENT REIMPORTATION," was jointly offered by Representatives Takumi, Caldwell, Chang, Magaoay, Morita, B. Oshiro, M. Oshiro, Takai, Berg, Luke and Saiki.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST BREAKDOWN OF THE BUDGET AMOUNT ALLOCATED TO THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi, Berg, Caldwell, Chang, Finnegan, Lee, Magaoay, Morita, B. Oshiro, M. Oshiro, Takai, Luke and Saiki.

H.R. No. 141, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO PROVIDE MEDICAL CARE AND COMPENSATION TO NUCLEAR VICTIMS IN THE REPUBLIC OF THE MARSHALL ISLANDS," was jointly offered by Representatives Takumi, Berg, Chang, Lee, Morita, B. Oshiro, Takai, Caldwell, Luke, Magaoay, M. Oshiro and Saiki.

H.R. No. 142, entitled: "HOUSE RESOLUTION SUPPORTING HIGH QUALITY FEDERALLY FUNDED EDUCATION FOR STUDENTS IN PRE-SCHOOL THROUGH COLLEGE," was jointly offered by Representatives Takumi and Waters.

H.R. No. 143, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE LEGISLATION REQUIRING THE UNITED STATES POSTAL SERVICE TO PROVIDE MAIL RECIPIENTS THE OPTION OF BEING INCLUDED ON A LIST OF THOSE NOT WISHING TO RECEIVE ANY UNSOLICITED COMMERCIAL MAIL," was jointly offered by Representatives Berg, Chong, Ito, Karamatsu, B. Oshiro and Takumi.

H.R. No. 144, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO PARTNER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE THE STATE'S HISTORICAL MAPS THROUGH DIGITAL MAPPING," was jointly offered by Representatives Berg and Takumi.

H.R. No. 145, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CHANGE THE TEACHER QUALIFICATIONS FOR INDIVIDUALS WITH POSTGRADUATE DEGREES IN FIELDS OTHER THAN EDUCATION TO ALLOW THEM TO TEACH ADVANCED PLACEMENT COURSES IN MATH, SCIENCE, AND ENGLISH," was jointly offered by Representatives Berg and Takumi.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE COASTAL ZONE MANAGEMENT PROGRAM OF THE OFFICE OF PLANNING TO COORDINATE THE UPDATING AND IMPLEMENTATION OF THE HAWAII OCEAN RESOURCES MANAGEMENT PLAN," was jointly offered by Representatives Berg and Takumi.

H.R. No. 147, entitled: "HOUSE RESOLUTION URGING THE LEGISLATURE TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was jointly offered by Representatives Berg, Chong and Takumi.

H.R. No. 148, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was jointly offered by Representatives Berg, Chong, Karamatsu, B. Oshiro and Takumi.

H.R. No. 149, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO STUDENTS WHO PARTICIPATE IN INTERSCHOLASTIC VARSITY SPORTS," was jointly offered by Representatives Berg and Takumi.

H.R. No. 150, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU POLICE DEPARTMENT TO LOOK AT THE FEASIBILITY OF ESTABLISHING A VOLUNTEER PROGRAM TO REDUCE THE INSTANCES OF SPEEDING ON HAWAII ROADS," was offered by Representative Berg.

H.R. No. 151, entitled: "HOUSE RESOLUTION DECLARING MAY 5, 2005, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was jointly offered by Representatives Caldwell, Abinsay, Chong, Ito, Kawakami, Lee, Magaoay, Nakasone, B. Oshiro, M. Oshiro, Wakai and Yamane.

H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO REVIEW HRS CHAPTER 302A AND RECOMMEND LEGISLATION TO REPEAL, AMEND, OR CLARIFY ANY STATUTES THAT HINDER THE INTENT OR IMPLEMENTATION OF ACT 51, SESSION LAWS OF HAWAII, 2004," was jointly offered by Representatives Finnegan and Takumi.

H.R. No. 153, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO REFRAIN FROM ENTERING INTO THE FREE TRADE AREA OF THE AMERICAS AND URGING THE UNITED STATES TRADE REPRESENTATIVE TO CONDUCT INTERNATIONAL TRADE NEGOTIATIONS IN A MANNER THAT WILL PRESERVE THE STATES' RESPONSIBILITY TO DEVELOP THEIR OWN REGULATORY STRUCTURES, AVOID LITIGATION IN WORLD COURTS, AND ENHANCE DISCLOSURE AND DISCUSSION WITH THE PUBLIC AND CONSULTATION WITH THE STATES," was offered by Representative Takumi.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH," was jointly offered by Representatives Takumi and Arakaki.

H.R. No. 155, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE UNITED STATES DEPARTMENT OF EDUCATION TO CONTINUE FUNDING FOR THE EVEN START FAMILY LITERACY PROGRAM," was offered by Representative Waters.

H.R. No. 156, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO ENTER INTO LEASE NEGOTIATIONS WITH C&K BEACH SERVICE, INC., FOR THE OPERATION OF A BEACH CONCESSION AT DUKE KAHANAMOKU BEACH," was offered by Representative Waters.

H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY PERFORMANCE STANDARDS FOR THE CONSTRUCTION, RENOVATION, AND RETROFITTING OF BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Waters.

H.R. No. 158, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT, THE STATE OF HAWAII, AND THE CITY AND COUNTY OF HONOLULU TO WORK COOPERATIVELY TO PROTECT KAWAI NUI MARSH," was jointly offered by Representatives Waters and Chong.

H.R. No. 159, entitled: "HOUSE RESOLUTION RELATING TO RENEWABLE ENERGY TECHNOLOGIES," was offered by Representative Waters.

H.R. No. 160, entitled: "HOUSE RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was jointly offered by Representatives Arakaki, Abinsay, Berg, Ching, Finnegan, Fox, Green, Hale, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Marumoto, Meyer, Morita, M. Oshiro, Shimabukuro and Yamane.

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was jointly offered by Representatives Arakaki, Berg, Ching, Evans, Fox, Green, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Marumoto, Meyer, Morita, Shimabukuro, Wakai, Yamane, Abinsay, Hale and Luke.

H.R. No. 162, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was jointly offered by Representatives Arakaki and Green.

H.R. No. 163, entitled: "HOUSE RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HAWAII GLOBAL YOUTH CENTER AT THE UNIVERSITY OF HAWAII'S EAST-WEST CENTER," was jointly offered by Representatives Arakaki, Green, Hale, Kahikina, Chang, Finnegan and Magaoy.

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUEST THE OFFICE OF PLANNING TO CONDUCT A REVIEW OF CLASSIFICATION AND DISTRICTING OF LANDS IN HOUSE DISTRICT 17 (HAWAII KAI)," was offered by Representative Stonebraker.

H.R. No. 165, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE DEPARTMENT OF TRANSPORTATION RESURFACE KALANIANA'OLE HIGHWAY BETWEEN INTERSTATE H1 AND LUNALILO HOME ROAD," was jointly offered by Representatives Stonebraker, Berg and Marumoto.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND STRENGTHEN ITS WATER QUALITY STANDARDS AND PRACTICES," was jointly offered by Representatives Yamashita and Arakaki.

H.R. No. 167, entitled: "HOUSE RESOLUTION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS TO BE TREATED WITH RESPECT AND PROTECTED FROM INHUMANE TREATMENT," was offered by Representative Chong.

H.R. No. 168, entitled: "HOUSE RESOLUTION ESTABLISHING A TEMPORARY LEGISLATIVE TASK FORCE TO FURTHER IDENTIFY NEAR-TERM SOLUTIONS TO HAWAII'S SHORTAGE OF AFFORDABLE HOUSING AND PROBLEM WITH HOMELESSNESS," was offered by Representative Say.

H.R. No. 169, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE CHIEF OF THE HAWAII COUNTY POLICE DEPARTMENT TO PUBLICLY DISCLOSE INFORMATION RELATED TO THE DISAPPEARANCE OF PETER KEMA, JR.," was jointly offered by Representatives Arakaki, Green, Hale, Kahikina, Tsuji, Luke and Sonson.

H.R. No. 170, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AND REPORT ON COMPETITIVE PRACTICES OF HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS," was jointly offered by Representatives Arakaki, Green, Sonson, Hale, Hiraki, Kahikina and Nishimoto.

H.R. No. 171, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH THE HAWAII CERVICAL CANCER ELIMINATION TASK FORCE," was jointly offered by Representatives Arakaki, Ching, Green, Hale, Kawakami, Lee, Marumoto, Meyer, Morita, Pine, Shimabukuro, Sonson and Nishimoto.



H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, UNIVERSITY OF HAWAII, AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO SUPPORT A STUDENT, FACULTY, AND ADMINISTRATIVE STAFF EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC AND PRIVATE SCHOOLS AND COLLEGES AND UNIVERSITY IN HAWAII AND STUDENTS IN SCHOOLS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was jointly offered by Representatives Arakaki, Abinsay, Finnegan, Magaoay, Pine, Shimabukuro, Sonson, Berg and Takumi.

H.R. No. 173, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ABANDON THE UNIVERSITY AFFILIATED RESEARCH CENTER," was offered by Representative Shimabukuro.

H.R. No. 174, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY TO EXAMINE THE COSTS AND BENEFITS OF EXCLUDING FOOD FROM THE GENERAL EXCISE TAX," was offered by Representative Marumoto.

H.R. No. 175, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUDGET AND FINANCE TO CONDUCT A FEASIBILITY STUDY AND COST ANALYSIS OF RAISING THE STANDARD DEDUCTION OVER THE NEXT THREE YEARS," was offered by Representative Marumoto.

H.R. No. 176, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PERFORM A FEASIBILITY STUDY AND COST ANALYSIS OF ESTABLISHING A GENERAL EXCISE TAX RETAIL HOLIDAY," was offered by Representative Marumoto.

H.R. No. 177, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF PSYCHOLOGY TO EXERCISE MORE LATITUDE IN LICENSING A PERSON WHO IS LICENSED AS A PSYCHOLOGIST IN ANOTHER STATE," was offered by Representative Souki.

H.R. No. 178, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE NO CHILD LEFT BEHIND ACT ACCORDING TO THE RECOMMENDATIONS OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES' TASK FORCE ON NO CHILD LEFT BEHIND FINAL REPORT," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Say and Takumi.

H.R. No. 179, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO MAKE CERTAIN MODIFICATIONS AND ACKNOWLEDGMENTS WITH RESPECT TO THE NO CHILD LEFT BEHIND ACT OF 2001," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Say and Takumi.

H.R. No. 180, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE PERFORMANCE BASED INCENTIVES WHEN CONTRACTING WITH EDUCATION SERVICE PROVIDERS FOR SCHOOL RESTRUCTURING UNDER THE NO CHILD LEFT BEHIND ACT," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Say and Takumi.

H.R. No. 181, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REINTEGRATE THE OFFICE OF THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA WITH THE OFFICE OF THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Takai.

H.R. No. 182, entitled: "HOUSE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was offered by Representative Takai.

H.R. No. 183, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, THE BOARD OF EDUCATION, AND THE HAWAII STATE PUBLIC LIBRARY SYSTEM TO EXAMINE THE FEASIBILITY OF COMBINING PUBLIC LIBRARIANS AND SCHOOL LIBRARIANS IN THE SAME COLLECTIVE BARGAINING UNIT," was jointly offered by Representatives Takai, Berg, Caldwell and Takumi.

H.R. No. 184, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A NONPROFIT VISITOR CENTER AT HALAWA LANDING THAT WILL SERVE AS A GATEWAY FOR ALL OF THE HISTORIC SITES OF PEARL HARBOR," was jointly offered by Representatives Takai, Finnegan, B. Oshiro and Ito.

H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT TO WAIVE COMBAT INCOME WHEN CONSIDERING THE ELIGIBILITY OF MILITARY DEPENDENTS FOR INCOME-BASED SCHOOL LUNCH PROGRAMS," was jointly offered by Representatives Takai, Berg, Ito and Takumi.

H.R. No. 186, entitled: "HOUSE RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT LOWER THE RETIREMENT AGE FOR NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE FROM SIXTY TO FIFTY-FIVE YEARS OF AGE," was jointly offered by Representatives Takai and Ito.

H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSESS THE ADDITIONAL COSTS TO THE STATE OF IMPLEMENTING THE NO CHILD LEFT BEHIND ACT AND REPORT ON THE FEDERAL DEPARTMENT OF EDUCATION'S EFFORTS TO ADDRESS METHODOLOGICAL FLAWS OF THE NO CHILD LEFT BEHIND ACT," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Takumi and Say.

H.R. No. 188, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROHIBIT THE SITING OF FUTURE LANDFILLS OVER AQUIFERS," was jointly offered by Representatives Cabanilla, Hale, Meyer, Finnegan, Marumoto and Wakai.

H.R. No. 189, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO MOVE MORE OF ITS OFFICES TO KAPOLEI," was jointly offered by Representatives Cabanilla and Moses.

H.R. No. 190, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO MOVE THE DEPARTMENT OF HEALTH OFFICES TO KAPOLEI," was jointly offered by Representatives Cabanilla and Moses.

H.R. No. 191, entitled: "HOUSE RESOLUTION URGING THE FOOD AND DRUG ADMINISTRATION TO EXPEDITE THE INSPECTION OF FROZEN CARGO ARRIVING DOCKSIDE IN HAWAII," was jointly offered by Representatives Cabanilla, Arakaki, Berg, Green, Hale, Marumoto, Meyer, Sonson, Evans, Finnegan, Halford, Tanaka and Tsuji.

H.R. No. 192, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION COORDINATE THE CLEAN UP AND IMPROVEMENT OF STATE LANDS AT WEST LOCH, OAHU," was jointly offered by Representatives Cabanilla, Evans, Finnegan, Fox, Hale, Halford, Marumoto, Meyer, Tsuji and Wakai.

H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TRAINING PROGRAM IN CONJUNCTION WITH THE LOCAL REAL ESTATE APPRAISER'S NATIONAL ORGANIZATION AS PART OF THEIR PROFESSIONAL EDUCATIONAL SEMINARS TO TRAIN REAL ESTATE APPRAISERS TO USE THE INCOME CAPITALIZATION APPROACH TO SET LEASE RENT RATES FOR STATE AGRICULTURAL LEASE REOPENING," was jointly offered by Representatives Abinsay, Chang, Tsuji, Wakai, Halford, Karamatsu, Magaoay and Yamashita.

H.R. No. 194, entitled: "HOUSE RESOLUTION URGING THE LEGISLATURE AND ADMINISTRATION TO SUPPORT AND ENCOURAGE HAWAII'S AGRICULTURAL COMMUNITY'S EFFORTS TOWARD SUCCESSFUL CO-EXISTENCE AMONG ITS SECTORS AND TO RECOGNIZE THE ECONOMIC, HUMAN, AND ENVIRONMENTAL BENEFITS OF SUCH CO-EXISTENCE IN A DIVERSIFIED AGRICULTURE INDUSTRY," was jointly offered by Representatives Abinsay, Chang, Karamatsu, Magaoay, Tsuji, Wakai, Halford and Yamashita.

H.R. No. 195, entitled: "HOUSE RESOLUTION REQUESTING GOVERNOR LINGLE TO CONVENE A TASK FORCE CONSISTING OF REPRESENTATIVES FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE LONG-LINE FISHERMEN ASSOCIATION, AND OTHER INTERESTED GROUPS TO IDENTIFY A VIABLE, LONG-TERM SOLUTION TO THE NON-IMMIGRANT VISA STATUS OF ALIEN CREW MEMBERS OF FISHING VESSELS," was jointly offered by Representatives Abinsay, Arakaki, Green, Hale, Ito, Kanoho, Magaoay, Chong, Evans, Lee, Souki and Yamane.

H.R. No. 196, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," was offered by Representative Yamane.

H.R. No. 197, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES TO CONDUCT INFORMATIONAL BRIEFINGS ON ALL ISLANDS ON THE NEED TO ESTABLISH MORE MARINE MANAGED AREAS THROUGHOUT THE STATE," was offered by Representative Kanoho.

H.R. No. 198, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE NUMBER OF LESS THAN FULL-TIME PUBLIC EMPLOYEES THAT ARE INELIGIBLE FOR HEALTH BENEFITS," was jointly offered by Representatives Caldwell, M. Oshiro, Ito, Nakasone and Souki.

H.R. No. 199, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON CIVIL SERVICE EXEMPT POSITIONS IN EACH EMPLOYING STATE JURISDICTION," was jointly offered by Representatives Caldwell, M. Oshiro, Ito, Nakasone and Souki.

H.R. No. 200, entitled: "HOUSE RESOLUTION REQUESTING THE ENVIRONMENTAL COUNCIL, WITH THE ASSISTANCE OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL AND THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER, TO DEVELOP AND PROMULGATE A GUIDANCE DOCUMENT ON INCLUDING PRINCIPLES OF ENVIRONMENTAL JUSTICE IN ALL PHASES OF ENVIRONMENTAL REVIEW UNDERTAKEN PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES," was offered by Representative Morita.

H.R. No. 201, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM IN EACH SCHOOL DISTRICT OF THE STATE," was jointly offered by Representatives Arakaki, Abinsay and Berg.

H.R. No. 202, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO INCORPORATE INTO THE STUDENT WEIGHTED FORMULA THE ASSIGNMENT OF ADMINISTRATIVE AND COUNSELING STAFF," was jointly offered by Representatives Arakaki, Abinsay, Finnegan, Kahikina and Sonson.

H.R. No. 203, entitled: "HOUSE RESOLUTION URGING THE APPROPRIATION OF MONEYS TO FUND FACULTY POSITIONS AND CURRICULUM DEVELOPMENT AND SUPPORT FOR ILOCANO, FILIPINO, AND PHILIPPINE STUDIES AT THE UNIVERSITY OF HAWAII," was offered by Representative Arakaki.

H.R. No. 204, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CLAIM APPROPRIATE ADDITIONAL FEDERAL FUNDING UNDER THE MEDICAID PROGRAM," was jointly offered by Representatives Fox, Ching, Finnegan, Marumoto and Meyer.

H.R. No. 205, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO POST TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BUDGET INFORMATION ON ITS WEBSITE FOR PUBLIC REVIEW," was jointly offered by Representatives Sonson, Schatz, Arakaki, Kahikina and Takamine.

H.R. No. 206, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROVIDE MANDATORY LEADERSHIP TRAINING TO NEIGHBORHOOD BOARD LEADERSHIP," was offered by Representative Berg.

H.R. No. 207, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP A DEFINITION OF CIVIC RESPONSIBILITY BY USING AN INVENTORY OF SCHOOL-LEVEL ACTIVITIES THAT PROMOTE CIVIC LEARNING IN STUDENTS," was offered by Representative Berg.

H.R. No. 208, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO THE STUDENT MEMBER OF THE BOARD OF EDUCATION," was jointly offered by Representatives Berg, Finnegan, Green, Shimabukuro, Waters and Takumi.

H.R. No. 209, entitled: "HOUSE RESOLUTION URGING ALL MEMBERS OF THE HAWAII STATE LEGISLATURE TO VISIT STUDENTS IN CLASSROOMS IN SUPPORT OF CIVIC EDUCATION THROUGH THE LEGISLATORS BACK TO SCHOOL ANNUAL PROGRAM," was offered by Representative Berg.

H.R. No. 210, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO DEVELOP COMMUNITY-BASED YOUTH LEADERSHIP DEVELOPMENT CAMPS THROUGHOUT THE STATE," was jointly offered by Representatives Berg, Green, Shimabukuro, Waters, Finnegan and Takumi.

H.R. No. 211, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO HIGH SCHOOL STUDENTS WHO SERVE ON NON-PROFIT BOARDS, ADVISORY COUNCILS, OR COMMISSIONS," was jointly offered by Representatives Berg, Finnegan, Green, Shimabukuro, Waters and Takumi.

H.R. No. 212, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII DEPARTMENT OF ECONOMICS TO CONDUCT AN ECONOMETRIC ANALYSIS OF THE EFFECTIVENESS OF MONIES SPENT BY THE HAWAII TOURISM AUTHORITY IN ACHIEVING ITS STATED GOALS," was offered by Representative Berg.

H.R. No. 213, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES, WORKING JOINTLY WITH THE COUNTIES, TO CONDUCT A STUDY ON FLOOD MITIGATION MEASURES FOR STREAMS IN THE KANEOHE AREA," was jointly offered by Representatives Ito, Chong and Waters.

H.R. No. 214, entitled: "HOUSE RESOLUTION REAFFIRMING HAWAII'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS BY URGING PRESIDENT BUSH AND HIS ADMINISTRATION TO CHANGE THEIR POSITION ON THE UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM ACT OF 2001, ALSO KNOWN AS THE USA PATRIOT ACT, AND AUTHORITY TO WITHHOLD FUNDAMENTAL RIGHTS OF DETAINEES, AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK FOR THE REPEAL OF THE USA PATRIOT ACT," was jointly offered by Representatives B. Oshiro, Luke, Morita, M. Oshiro, Schatz and Takumi.

H.R. No. 215, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO OPPOSE ANY SCHEME FOR PRIVATIZATION OF SOCIAL SECURITY RETIREMENT ACCOUNTS," was jointly offered by Representatives B. Oshiro, M. Oshiro and Schatz.

H.R. No. 216, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A STEM CELL RESEARCH TASK FORCE TO CONDUCT A STUDY AND PROPOSE RECOMMENDATIONS RELATING TO THE FEASIBILITY OF ENCOURAGING STEM CELL RESEARCH IN HAWAII," was jointly offered by Representatives B. Oshiro and Arakaki.

H.R. No. 217, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM TO EVALUATE THE POLICIES AND PRACTICES OF THE STATE OF WISCONSIN IN RELATION TO ITS LOCAL INVESTMENTS FOR POSSIBLE CONSIDERATION AND IMPLEMENTATION IN HAWAII," was jointly offered by Representatives B. Oshiro, Berg, Caldwell, Herkes, Karamatsu, Schatz and Wakai.

H.R. No. 218, entitled: "HOUSE RESOLUTION URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO FULFILL ITS CONSTITUTIONAL AND STATUTORY MANDATE TO PROTECT PUBLIC TRUST INSTREAM USES," was jointly offered by Representatives Carroll, Souki and Tanaka.

H.R. No. 219, entitled: "HOUSE RESOLUTION PROCLAIMING DECEMBER 15 OF EVERY YEAR AS BILL OF RIGHTS DAY," was jointly offered by Representatives Carroll, Arakaki, Souki and Tanaka.

H.R. No. 220, entitled: "HOUSE RESOLUTION REQUESTING COORDINATION BY STATE AND COUNTY REGULATORY AGENCIES WITH RESPECT TO THE MANAGEMENT OF GENETICALLY MODIFIED ORGANISMS (GMO) RELATING TO HEALTH, AGRICULTURE, AND THE ENVIRONMENT," was jointly offered by Representatives Carroll, Souki and Tanaka.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF UNDERGROUNDING THE H-1 LUNALILO FREEWAY IN THE AREA ADJACENT TO THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Thielen.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF PUBLIC PARKING AT THE STATE CAPITOL," was offered by Representative Magaoay.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE PASSAGE OF THE COMBAT MILITARY MEDICALLY RETIRED VETERAN'S FAIRNESS ACT," was jointly offered by Representatives Pine, Moses, Ching, Chong, Fox, Halford, Lee, Souki and Tanaka.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION URGING KOKUA COUNCIL TO CONVENE THE 2005 MODEL LEGISLATURE," was jointly offered by Representatives Sonson, Arakaki and Cabanilla.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY OF CURRENT AND ANTICIPATED HARBOR USES ON OAHU TO IMPROVE HARBOR EFFICIENCY AND EFFECTIVENESS," was offered by Representative Herkes.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING AND LICENSING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS," was jointly offered by Representatives Chang, Ching, Karamatsu, Magaoay, Wakai, Yamashita and Abinsay.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII VISITORS AND CONVENTIONS BUREAU AMEND ITS VISITOR SURVEY TO CLARIFY THAT VISITORS MAY TAKE HOME CERTAIN PLANTS OBTAINED IN HAWAII," was jointly offered by Representatives Chang, Abinsay, Green, Kanohe, Karamatsu, Schatz, Sonson, Takai, Tsuji and Yamashita.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES ARMY TO RE-EXAMINE THE ADVERSE HEALTH EFFECTS CAUSED BY INCREASED TRAINING AT THE POHAKULOA TRAINING AREA ON THE ISLAND OF HAWAII," was offered by Representative Hale.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW AND UPDATE THE KEEHI LAGOON RECREATION PLAN AND EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was offered by Representative Kanohe.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND CHAPTER 13-34, HAWAII ADMINISTRATIVE RULES, THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT, OAHU, TO ALLOW HOOK AND LINE POLE FISHING FOR AKULE," was offered by Representative Kanohe.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LAND USE COMMISSION TO ESTABLISH A TASK FORCE TO CONSIDER THE ADOPTION OF GUIDELINES ON PERMITTED USES FOR SPECIAL PERMITS," was offered by Representative Evans.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT HOUSE-SENATE TASK FORCE TO STUDY THE FEASIBILITY OF TRANSFERRING FUNCTIONS OF THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE COUNTIES, THE OFFICE OF HAWAIIAN AFFAIRS, OR THE UNIVERSITY OF HAWAII," was offered by Representative Evans.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT GEORGE W. BUSH TO RECONSIDER HIS PLAN TO PRIVATIZE SOCIAL SECURITY," was jointly offered by Representatives M. Oshiro, Green, Arakaki, Kahikina and Nishimoto.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TAXATION TO ENFORCE THE GENERAL EXCISE TAX LAW ON ALL AUTOMOBILE SALES," was jointly offered by Representatives M. Oshiro, Arakaki, Green, Kahikina and Nishimoto.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A COST ANALYSIS ON PROVIDING COMMUNITY BASED AND GENDER RESPONSIVE PROGRAMS AND SERVICES FOR INCARCERATED FEMALES IN THE RANGE, QUALITY, AND PROPORTIONATE QUANTITY SUBSTANTIALLY EQUIVALENT TO THE PROGRAMS AND SERVICES PROVIDED TO INCARCERATED MALES," was jointly offered by Representatives M. Oshiro, Green, Arakaki, Kahikina and Nishimoto.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR AND THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE SEAL OF QUALITY PROGRAM," was jointly offered by Representatives Yamane, Abinsay, Herkes, Yamashita and Chong.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM," was jointly offered by Representatives Ito and Chong.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE TRANSFER OF THE WAIHOLE VALLEY AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION BY THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was jointly offered by Representatives Ito, Chong, Magaoy, and M. Oshiro.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE CONVENED TO CONDUCT A COST ANALYSIS ASSESSMENT OF DESIGNING AND CONSTRUCTING A STATE DNA LAB," was offered by Representative Marumoto.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ACTIVELY MONITOR LEVELS OF SULFUR DIOXIDE AND ESTABLISH A VOG INDEX ADVISORY PROGRAM FOR THE PUNA AND KA'U AREAS OF THE ISLAND OF HAWAII," was jointly offered by Representatives Hale and Herkes.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS LEGISLATION FOR A FEDERALLY-FUNDED, HIGH-QUALITY PUBLIC EDUCATION SYSTEM FROM THE PRESCHOOL TO UNIVERSITY LEVEL," was jointly offered by Representatives Lee, Green, Hale, Morita, Nishimoto, Shimabukuro, Berg, Chong, Ito, Nakasone, Wakai and Yamane.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Schatz.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK OR THE PROPERTY OWNER WHO SUCCEEDS HER FOR THE CONSTRUCTION OF THE PAHOA HIGH AND INTERMEDIATE SCHOOL GYMNASIUM," was offered by Representative Hale.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH AND MAINTAIN AN OBESITY DATABASE AMONG DEPARTMENT OF EDUCATION TEACHERS," was offered by Representative Cabanilla.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was offered by Representative Morita.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE ESTABLISHMENT OF RULES RELATING TO THE REGULATION OF POLYBROMINATED DIPHENYL ETHERS FOR THE PURPOSES OF ENFORCING CHAPTER 332D, HAWAII REVISED STATUTES," was offered by Representative Marumoto.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PERFORM A STUDY ON THE ISSUES ASSOCIATED WITH, AND THE UTILITY OF MANDATING THE USE OF HELMETS FOR MOTORCYCLE, MOPED, MOTOR SCOOTER OPERATORS, AND BICYCLISTS, REGARDLESS OF AGE," was offered by Representative Marumoto.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PERFORM A STUDY ON THE ISSUES ASSOCIATED WITH, AND THE UTILITY OF A BAN ON LCD TYPE DISPLAY SCREENS IN VEHICLES," was offered by Representative Marumoto.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COLLECT INFORMATION ON ACCIDENT REPORTS ON THE RIDING IN THE CARGO BEDS OF PICKUP TRUCKS AND CURRENT NATIONWIDE LAWS ON THE RIDING IN THE CARGO BEDS OF PICKUP TRUCKS," was offered by Representative Marumoto.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE AND FOR CHILDREN, YOUTH, AND FAMILIES," was jointly offered by Representatives Arakaki, Green, Hale, Kahikina, Shimabukuro, Sonson and Finnegan.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was offered by Representative Luke.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IMPLEMENT A COMPREHENSIVE REVIEW OF EXISTING NOISE REGULATIONS AND TO DEVELOP A PLAN TO ADDRESS NOISE POLLUTION," was offered by Representative Luke.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROTECT WILDLIFE, WILDERNESS, AND INDIGENOUS WAYS OF LIFE BY OPPOSING OIL AND GAS DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES," was jointly offered by Representatives Morita, Berg, Hale, Lee, Luke, Shimabukuro, Thielen, Carroll, Hiraki, Kahikina, Takumi, Wakai, Waters and Yamane.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF LAND AND NATURAL RESOURCES, THE U.S. FISH AND WILDLIFE SERVICE, AND THE COUNTIES TO DETERMINE THE EXTENT OF AND RECOMMEND TREATMENT FOR GORSE SHRUBS ON THEIR RESPECTIVE LANDS," was jointly offered by Representatives Morita and Green.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR CONCERNING THE REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was offered by Representative Hiraki.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR CREATING A COMPREHENSIVE VOG EMISSIONS MONITORING SYSTEM FOR THE ISLAND OF HAWAII," was offered by Representative Hale.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU STUDY THE ISSUES ASSOCIATED WITH CRIMINALIZING THE TRANSMISSION OF BULK E-MAIL OR "SPAM"," was offered by Representative Marumoto.

[Note: The following House Concurrent Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH PROCEDURES TO PERMIT LAWFUL CAMPING AT MOKULEIA BEACH," was jointly offered by Representatives M. Oshiro and Magaoay.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE JUDICIARY COMMITTEE TO CONDUCT AN INTERIM HEARING TO GATHER INFORMATION TO ASSESS THE FEASIBILITY OF AND TO IDENTIFY ISSUES SURROUNDING THE ALLOWANCE OF DRUG SNIFFING DOGS IN PUBLIC SCHOOLS," was offered by Representative Marumoto.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIARY AND HAWAIIAN AFFAIRS COMMITTEE TO CONDUCT A JOINT INTERIM HEARING TO GATHER INFORMATION TO ASSESS THE FEASIBILITY OF AND TO IDENTIFY ISSUES SURROUNDING THE ALLOWANCE OF DRUG SNIFFING DOGS IN STATE CORRECTIONAL FACILITIES," was offered by Representative Marumoto.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EASING OF RESTRICTIONS ON HUMANITARIAN VISAS," was offered by Representative Marumoto.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE USE OF THE STUDENT BODY OF KAPIOLANI COMMUNITY COLLEGE TO PROVIDE STATISTICAL EVIDENCE TO BUILD AN ADDITIONAL PARKING FACILITY AT KAPIOLANI COMMUNITY COLLEGE," was offered by Representative Marumoto.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WOMEN'S CAUCUS OF THE HAWAII STATE LEGISLATURE TO FORM ACTION GROUPS TO DISSEMINATE INFORMATION FOCUSING ON THE ELIMINATION OF CERVICAL CANCER IN THE STATE," was jointly offered by Representatives Marumoto, Finnegan and Lee.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING ESTATE GROWN HAWAII NONI AND ENCOURAGING CONSUMERS TO PURCHASE AND SUPPORT ESTATE GROWN HAWAII NONI AND THE LOCAL NONI INDUSTRY," was jointly offered by Representatives Say and Hale.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY EFFICIENT DESIGN AND PERFORMANCE STANDARDS FOR NEW CONSTRUCTION, RENOVATION, AND RETROFITTING FOR BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was jointly offered by Representatives Say, Morita and Waters.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO STUDY THE IMPOSITION OF A WINDFALL PROFIT TAX ON THE FAIR MARKET VALUE OF IMPROVEMENTS THAT REVERT TO A LESSOR AT THE TERMINATION OF A COMMERCIAL OR INDUSTRIAL LEASE," was jointly offered by Representatives Say and Takamine.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPACT ON THE STATE ECONOMY CAUSED BY THE CONCENTRATION IN OWNERSHIP OF COMMERCIAL AND INDUSTRIAL LANDS," was jointly offered by Representatives Say and Kanoho.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT LEGISLATION MODELED AFTER THE HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION ACT OF 2000 TO ASSIST THE LOCAL COFFEE BEAN INDUSTRY," was offered by Representative Say.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO APPLY TAX INCREMENT FINANCING TO FINANCE THE DEVELOPMENT OF INFRASTRUCTURE FOR AFFORDABLE HOUSING PROJECTS," was offered by Representative Kahikina.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING DEPOSIT BEVERAGE CONTAINER RECYCLING IN STATE PARKS," was offered by Representative Morita.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGISTRATION OF PAYDAY LENDERS AND DEFERRED DEPOSIT CHECK CASHERS," was offered by Representative Morita.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF SUBMERGED LANDS AT KEEHI SMALL BOAT HARBOR FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY HONOLULU MARINE, INC., FOR A COMMERCIAL SHIP REPAIR FACILITY," was offered by Representative Schatz.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATEWIDE INTERAGENCY TASK FORCE TO PERFORM A STUDY ON MOTORCYCLE SAFETY ISSUES, AND TO CLARIFY THE ROLE OF THE DEPARTMENT OF TRANSPORTATION IN REGULATING SAFETY," was offered by Representative Finnegan.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PROGRAM BETWEEN THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND THE DEPARTMENT OF HUMAN SERVICES WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOL TO SELF-REGULATE AND MANAGE PRIVATE PRESCHOOLS," was jointly offered by Representatives Finnegan and Takumi.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RECOMMENDATION OF THE KUALI'I NATIVE HAWAIIAN ADVISORY COUNCIL OF THE UNIVERSITY OF HAWAII AT MANOA THAT THE UNIVERSITY CONFER HONORARY DOCTORATE DEGREES ON GENOA KEAWE, PUALANI KANA'OLE KANAHELE, NAINOA THOMPSON, AND LEVON OHAI," was offered by Representative Shimabukuro.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A NEW HAWAII'NUIAKEA SCHOOL OF HAWAIIAN KNOWLEDGE AND THE MERGER OF THE KAMAKAKUOKALANI CENTER FOR HAWAIIAN STUDIES, HAWAIIAN LANGUAGE DEPARTMENT, NATIVE HAWAIIAN LEADERSHIP PROJECT, AND NATIVE HAWAIIAN STUDENT SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Shimabukuro.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND REPORT ON WASTE MANAGEMENT STRATEGIES FOR AUTOMOBILES, AUTOMOTIVE PRODUCTS, AND ELECTRONIC WASTE," was jointly offered by Representatives Evans, Berg, Carroll, Kanoho, Morita, Pine, Schatz and Waters.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO REQUEST THE GOVERNMENT OF MEXICO TO INVESTIGATE AND TERMINATE THE KIDNAPPING, RAPE, AND MURDER OF THE WOMEN IN JUAREZ AND CHIHUAHUA, MEXICO," was jointly offered by Representatives Morita, Berg, Cabanilla, Carroll, Evans, Finnegan, Karamatsu, Kawakami, Lee, Luke, Marumoto, Pine and Shimabukuro.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO EXEMPT KULEANA LANDS FROM ALL REAL PROPERTY TAXES," was jointly offered by Representatives Saiki and Carroll.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON STATUTORY IMPLIED CONSENT FORMS," was offered by Representative Souki, by request.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW AND EVALUATE THE PRACTICE OF ERECTING ROADSIDE MEMORIALS WITH RESPECT TO THE SAFETY OF BOTH PEDESTRIANS AND MOTORISTS," was offered by Representative Souki.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REFRAIN FROM RULEMAKING OR APPLYING ANY DEFINITION OF "MIXED WINE" OR "MIXED SPIRITS" UNDER THE DEPOSIT BEVERAGE CONTAINER LAW," was offered by Representative Karamatsu.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO COOPERATE WITH EMPLOYERS OF THE VILLAGE PARK AND UPPER WAIPAHU COMMUNITIES TO ARRANGE FOR ADEQUATE BUS SERVICES TO BE PROVIDED FOR RESIDENTS DURING THE PEAK COMMUTE HOURS OF THE WORKDAY," was jointly offered by Representatives Moses, Cabanilla, Finnegan, Karamatsu, Meyer, Abinsay, Carroll, Chang, Ching, Fox, Halford, Hiraki, Kahikina, Nishimoto, Pine, Shimabukuro, Stonebraker and Tsuji.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS," was offered by Representative Morita.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE PRIVATIZATION OF SOCIAL SECURITY," was jointly offered by Representatives Takumi, Caldwell, Lee, Morita, B. Oshiro, Takai and Luke.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS FEDERAL LEGISLATION TO PROVIDE ACCESS TO SAFE, AFFORDABLE PRESCRIPTION DRUGS BY ALLOWING PURCHASE OF PRESCRIPTION DRUGS FROM CANADA AND OTHER COUNTRIES THAT MEET FEDERAL SAFETY REQUIREMENTS AND REQUESTING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT AND IMPLEMENT REIMPORTATION," was jointly offered by Representatives Takumi, Caldwell, Lee, Magaoay, Morita, B. Oshiro, M. Oshiro, Takai, Berg, Luke and Saiki.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST BREAKDOWN OF THE BUDGET AMOUNT ALLOCATED TO THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi, Berg, Caldwell, Finnegan, Magaoay, Morita, B. Oshiro, M. Oshiro, Takai, Luke and Saiki.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO PROVIDE MEDICAL CARE AND COMPENSATION TO NUCLEAR VICTIMS IN THE REPUBLIC OF THE MARSHALL ISLANDS," was jointly offered by Representatives Takumi, Berg, Morita, B. Oshiro, M. Oshiro, Takai, Caldwell, Luke, Magaoay and Saiki.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING HIGH QUALITY FEDERALLY FUNDED EDUCATION FOR STUDENTS IN PRE-SCHOOL THROUGH COLLEGE," was jointly offered by Representatives Takumi and Waters.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE LEGISLATION REQUIRING THE UNITED STATES POSTAL SERVICE TO PROVIDE MAIL RECIPIENTS THE OPTION OF BEING INCLUDED ON A LIST OF THOSE NOT WISHING TO RECEIVE ANY UNSOLICITED COMMERCIAL MAIL," was jointly offered by Representatives Berg, Chong, Ito, B. Oshiro and Takumi.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO PARTNER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE THE STATE'S HISTORICAL MAPS THROUGH DIGITAL MAPPING," was jointly offered by Representatives Berg and Takumi.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CHANGE THE TEACHER QUALIFICATIONS FOR INDIVIDUALS WITH POSTGRADUATE DEGREES IN FIELDS OTHER THAN EDUCATION TO ALLOW THEM TO TEACH ADVANCED PLACEMENT COURSES IN MATH, SCIENCE, AND ENGLISH," was offered by Representative Berg.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COASTAL ZONE MANAGEMENT PROGRAM OF THE OFFICE OF PLANNING TO COORDINATE THE UPDATING AND IMPLEMENTATION OF THE HAWAII OCEAN RESOURCES MANAGEMENT PLAN," was jointly offered by Representatives Berg and Takumi.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was jointly offered by Representatives Berg, Chong and Takumi.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was jointly offered by Representatives Berg, Chong, Karamatsu, B. Oshiro and Takumi.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO STUDENTS WHO PARTICIPATE IN INTERSCHOLASTIC VARSITY SPORTS," was jointly offered by Representatives Berg and Takumi.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE NEED FOR TEACHER PROFESSIONAL DAYS AND THE PROFESSIONAL AND EDUCATIONAL VALUE RECEIVED BY TEACHERS THROUGH THE PROVISION OF THESE DAYS," was jointly offered by Representatives Berg, B. Oshiro and Takumi.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN "EDUCATIONAL SERVICE AGENCY.",," was jointly offered by Representatives Berg, Chong, Karamatsu, B. Oshiro and Takumi.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND ITS BOARD," was jointly offered by Representatives Berg and Hale.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PLAN FOR ENROLLMENT INCREASES AT PAHOA HIGH & INTERMEDIATE SCHOOL AND TO PLAN FOR THE SEPARATION OF THE INTERMEDIATE SCHOOL UNIT FROM THE HIGH SCHOOL UNIT," was offered by Representative Hale.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 5, 2005, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was jointly offered by Representatives Caldwell, Abinsay, Chong, Ito, Kawakami, Lee, Magaoay, Nakasone, B. Oshiro, M. Oshiro, Wakai, Waters and Yamane.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO REVIEW HRS CHAPTER 302A AND RECOMMEND LEGISLATION TO REPEAL, AMEND, OR CLARIFY ANY STATUTES THAT HINDER THE INTENT OR IMPLEMENTATION OF ACT 51, SESSION LAWS OF HAWAII, 2004," was jointly offered by Representatives Finnegan and Takumi.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was offered by Representative Hiraki.



H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REFRAIN FROM ENTERING INTO THE FREE TRADE AREA OF THE AMERICAS AND URGING THE UNITED STATES TRADE REPRESENTATIVE TO CONDUCT INTERNATIONAL TRADE NEGOTIATIONS IN A MANNER THAT WILL PRESERVE THE STATES' RESPONSIBILITY TO DEVELOP THEIR OWN REGULATORY STRUCTURES, AVOID LITIGATION IN WORLD COURTS, AND ENHANCE DISCLOSURE AND DISCUSSION WITH THE PUBLIC AND CONSULTATION WITH THE STATES," was offered by Representative Takumi.

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH," was jointly offered by Representatives Takumi and Arakaki.

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN "EDUCATIONAL SERVICE AGENCY.", was offered by Representative Takumi.

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE UNITED STATES DEPARTMENT OF EDUCATION TO CONTINUE FUNDING FOR THE EVEN START FAMILY LITERACY PROGRAM," was offered by Representative Waters.

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO ENTER INTO LEASE NEGOTIATIONS WITH C&K BEACH SERVICE, INC., FOR THE OPERATION OF A BEACH CONCESSION AT DUKE KAHANAMOKU BEACH," was offered by Representative Waters.

H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY PERFORMANCE STANDARDS FOR THE CONSTRUCTION, RENOVATION, AND RETROFITTING OF BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Waters.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT, THE STATE OF HAWAII, AND THE CITY AND COUNTY OF HONOLULU TO WORK COOPERATIVELY TO PROTECT KAWAI NUI MARSH," was jointly offered by Representatives Waters and Chong.

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RENEWABLE ENERGY TECHNOLOGIES," was offered by Representative Waters.

H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SYSTEMWIDE FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Waters.

H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was jointly offered by Representatives Arakaki, Abinsay, Berg, Ching, Finnegan, Fox, Green, Hale, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Meyer, Morita, M. Oshiro, Shimabukuro, Yamane, Luke and Marumoto.

H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was jointly offered by Representatives Arakaki, Berg, Ching, Evans, Fox, Green, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Marumoto, Meyer, Morita, Shimabukuro, Wakai, Yamane, Abinsay, Hale and Luke.

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was jointly offered by Representatives Arakaki and Green.

H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HAWAII GLOBAL YOUTH CENTER AT THE UNIVERSITY OF HAWAII'S EAST-WEST CENTER," was jointly offered by Representatives Arakaki, Green, Hale, Kahikina, Chang, Finnegan and Magaoay.

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAMMATIC AND FINANCIAL AUDIT OF THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was jointly offered by Representatives Arakaki, Green, Kahikina, Nishimoto, Finnegan and Magaoay.

H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO REVIEW AND REPORT ON THE EXTENT TO WHICH THE PUBLIC IS ENDANGERED BY VICIOUS OR DANGEROUS DOGS AND MEASURES TO ENSURE THE PUBLIC'S SAFETY," was jointly offered by Representatives Arakaki, Cabanilla, Green, Kahikina, Nishimoto, B. Oshiro, M. Oshiro, Shimabukuro, Finnegan and Luke.

H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUEST THE OFFICE OF PLANNING TO CONDUCT A REVIEW OF CLASSIFICATION AND DISTRICTING OF LANDS IN HOUSE DISTRICT 17 (HAWAII KAI)," was offered by Representative Stonebraker.

H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE DEPARTMENT OF TRANSPORTATION RESURFACE KALANIANA'OLE HIGHWAY BETWEEN INTERSTATE H1 AND LUNALILO HOME ROAD," was jointly offered by Representatives Stonebraker, Berg and Marumoto.

H.C.R. No. 222, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND STRENGTHEN ITS WATER QUALITY STANDARDS AND PRACTICES," was jointly offered by Representatives Yamashita and Arakaki.

H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS TO BE TREATED WITH RESPECT AND PROTECTED FROM INHUMANE TREATMENT," was offered by Representative Chong.

H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW INFRASTRUCTURAL AND STUDENT CAPACITY NEEDS OF THE KAILUA-KALAHEO COMPLEX AREA AND PLAN FOR A NEW INTERMEDIATE SCHOOL IN THE KAILUA-KALAHEO COMPLEX AREA," was jointly offered by Representatives Chong, Ito, Waters and Takumi.

H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO UNDERTAKE A TRAFFIC LIGHT STUDY OF THE INTERSECTION OF KALANIANA'OLE HIGHWAY AND ULUPII STREET IN KAILUA, OAHU," was jointly offered by Representatives Chong and Waters.

H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE CHIEF OF THE HAWAII COUNTY POLICE DEPARTMENT TO PUBLICLY DISCLOSE INFORMATION RELATED TO THE DISAPPEARANCE OF PETER KEMA, JR.," was jointly offered by Representatives Arakaki, Hale, Kahikina, Tsuji, Green, Luke and Sonson.

H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AND REPORT ON COMPETITIVE PRACTICES OF HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS," was jointly offered by Representatives Arakaki, Cabanilla, Finnegan, Green, Sonson, Hale, Hiraki, Kahikina and Nishimoto.

H.C.R. No. 228, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH THE HAWAII CERVICAL CANCER ELIMINATION TASK FORCE," was jointly offered by Representatives Arakaki, Ching, Finnegan, Green, Hale, Kawakami, Lee, Marumoto, Meyer, Morita, Pine, Shimabukuro, Sonson and Nishimoto.

H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE THE IMPACT OF THE PHYSICIAN "ON-CALL" CRISIS ON THE QUEEN'S MEDICAL CENTER TRAUMA CENTER TO PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE OF HAWAII AND TO RECOMMEND APPROPRIATE PUBLIC AND PRIVATE SECTOR GOVERNMENT RESPONSES TO THE "ON-CALL" CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," was jointly offered by Representatives Arakaki, Cabanilla, Green, Nishimoto and Finnegan.

H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE APPROPRIATE PLACEMENT OF THE MEDICAL MARIJUANA PROGRAM," was jointly offered by Representatives Arakaki and Green.

H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," was jointly offered by Representatives Arakaki, and M. Oshiro.

H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADULT MENTAL HEALTH DIVISION AND THE UNIVERSITY OF HAWAII SCHOOL OF MEDICINE, DEPARTMENT OF PSYCHIATRY, REESTABLISH THE PSYCHIATRIC RESIDENCY STIPEND PROGRAM TO MEET THE MENTAL HEALTH CARE NEEDS OF UNDERSERVED AREAS AND POPULATIONS," was jointly offered by Representatives Abinsay, Finnegan, Green, Hale, Kahikina, Magaoay, Nishimoto and Waters.

H.C.R. No. 233, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE EDUCATIONAL MATERIALS AVAILABLE, IN WRITTEN AND ELECTRONIC FORMS, ON THE DIAGNOSIS, TREATMENT, AND PREVENTION OF HEPATITIS C TO ALL VETERANS, PHYSICIANS, OTHER HEALTH CARE PROVIDERS, AND OTHER PERSONS AT HIGH RISK FOR HEPATITIS C," was jointly offered by Representatives Arakaki, Cabanilla, Finnegan, Fox, Green, Hale, Ito, Lee, Marumoto, Meyer, Nishimoto, M. Oshiro, Shimabukuro, Sonson and Yamane.

H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING TRIPLER ARMY MEDICAL CENTER TO PROVIDE CHILD, ADOLESCENT, AND ADULT PSYCHIATRISTS TO FEDERALLY FUNDED CLINICS TO MEET THE MENTAL HEALTH CARE NEEDS OF UNDERSERVED AREAS AND POPULATIONS," was jointly offered by Representatives Arakaki, Cabanilla, Abinsay, Finnegan, Hale, Ito, B. Oshiro, Sonson, Wakai and Yamane.

H.C.R. No. 235, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES," was jointly offered by Representatives Arakaki, Green, Kahikina, Lee, Meyer, Nishimoto, M. Oshiro, Wakai, Finnegan, Hale, Hiraki, Luke, Saiki, Sonson and Stonebraker.

H.C.R. No. 236, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, UNIVERSITY OF HAWAII, AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO SUPPORT A STUDENT, FACULTY, AND ADMINISTRATIVE STAFF EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC AND PRIVATE SCHOOLS AND COLLEGES AND UNIVERSITY IN HAWAII AND STUDENTS IN SCHOOLS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was jointly offered by Representatives Arakaki, Abinsay, Finnegan, Magaoay, Pine, Shimabukuro, Sonson, Berg and Takumi.

H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE LEGISLATURE'S CONCERN OVER THE TRANSFER OF FUNDS FROM THE VERIZON HAWAII PENSION PLAN TO VERIZON COMMUNICATIONS, INC. UPON COMPLETION OF THE SALE OF VERIZON HAWAII, INC.," was jointly offered by Representatives M. Oshiro, Abinsay, Arakaki, Cabanilla, Chang, Ching, Fox, Green, Hale, Herkes, Ito, Kahikina, Karamatsu, Lee, Magaoay, Marumoto, Meyer, Moses, Nishimoto, B. Oshiro, Saiki, Schatz, Shimabukuro, Souki, Takumi, Tanaka, Tsuji, Waters, Yamane and Yamashita.

H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ABANDON THE UNIVERSITY AFFILIATED RESEARCH CENTER," was offered by Representative Shimabukuro.

H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL, STATE, AND COUNTY GOVERNMENTS TO PLACE A MORATORIUM ON THE REMOVAL OF HOMELESS PEOPLE FROM LARGE PUBLIC PARKS," was offered by Representative Shimabukuro.

H.C.R. No. 240, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY TO EXAMINE THE COSTS AND BENEFITS OF EXCLUDING FOOD FROM THE GENERAL EXCISE TAX," was offered by Representative Marumoto.

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUDGET AND FINANCE TO CONDUCT A FEASIBILITY STUDY AND COST ANALYSIS OF RAISING THE STANDARD DEDUCTION OVER THE NEXT THREE YEARS," was offered by Representative Marumoto.

H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PERFORM A FEASIBILITY STUDY AND COST ANALYSIS OF ESTABLISHING A GENERAL EXCISE TAX RETAIL HOLIDAY," was offered by Representative Marumoto.

H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIARY AND HAWAIIAN AFFAIRS TO CONDUCT A JOINT INTERIM HEARING TO GATHER INFORMATION TO ASSESS THE FEASIBILITY OF AND TO IDENTIFY ISSUES SURROUNDING THE ALLOWANCE OF DRUG SNIFFING DOGS IN PUBLIC SCHOOLS," was offered by Representative Marumoto.

H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF PSYCHOLOGY TO EXERCISE MORE LATITUDE IN LICENSING A PERSON WHO IS LICENSED AS A PSYCHOLOGIST IN ANOTHER STATE," was offered by Representative Souki.

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE NO CHILD LEFT BEHIND ACT ACCORDING TO THE RECOMMENDATIONS OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES' TASK FORCE ON NO CHILD LEFT BEHIND FINAL REPORT," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Takumi and Say.

H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO MAKE CERTAIN MODIFICATIONS AND ACKNOWLEDGMENTS WITH RESPECT TO THE NO CHILD LEFT BEHIND ACT OF 2001," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Takumi and Say.

H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE PERFORMANCE BASED INCENTIVES WHEN CONTRACTING WITH EDUCATION SERVICE PROVIDERS FOR SCHOOL RESTRUCTURING UNDER THE NO CHILD LEFT BEHIND ACT," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Takumi and Say.

H.C.R. No. 248, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REINTEGRATE THE OFFICE OF THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA WITH THE OFFICE OF THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Takai.

H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was offered by Representative Takai.

H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, THE BOARD OF EDUCATION, AND THE HAWAII STATE PUBLIC LIBRARY SYSTEM TO EXAMINE THE FEASIBILITY OF COMBINING PUBLIC LIBRARIANS AND SCHOOL LIBRARIANS IN THE SAME COLLECTIVE BARGAINING UNIT," was jointly offered by Representatives Takai, Berg, Caldwell and Takumi.

H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A NONPROFIT VISITOR CENTER AT HALAWA LANDING THAT WILL SERVE AS A GATEWAY FOR ALL OF THE HISTORIC SITES OF PEARL HARBOR," was jointly offered by Representatives Takai, Finnegan, B. Oshiro and Ito.

H.C.R. No. 252, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT TO WAIVE COMBAT INCOME WHEN CONSIDERING THE ELIGIBILITY OF MILITARY DEPENDENTS FOR INCOME-BASED SCHOOL LUNCH PROGRAMS," was jointly offered by Representatives Takai, Ito, Berg and Takumi.

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT LOWER THE RETIREMENT AGE FOR NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE FROM SIXTY TO FIFTY-FIVE YEARS OF AGE," was jointly offered by Representatives Takai and Ito.

H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSESS THE ADDITIONAL COSTS TO THE STATE OF IMPLEMENTING THE NO CHILD LEFT BEHIND ACT AND REPORT ON THE FEDERAL DEPARTMENT OF EDUCATION'S EFFORTS TO ADDRESS METHODOLOGICAL FLAWS OF THE NO CHILD LEFT BEHIND ACT," was jointly offered by Representatives Takai, Berg, B. Oshiro, M. Oshiro, Say and Takumi.

H.C.R. No. 255, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING AN INTERIM TASK FORCE ON THE ACCESSIBILITY OF MENTAL HEALTH CARE TO CONSIDER THE FEASIBILITY OF THE STATE AUTHORIZING TRAINED AND SUPERVISED MEDICAL PSYCHOLOGISTS TO SAFELY PRESCRIBE PSYCHOTOPIC MEDICATIONS FOR THE TREATMENT OF MENTAL ILLNESS," was offered by Representative Green.

H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROHIBIT THE SITING OF FUTURE LANDFILLS OVER AQUIFERS," was jointly offered by Representatives Cabanilla, Hale, Meyer, Finnegan, Marumoto and Wakai.

H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO MOVE MORE OF ITS OFFICES TO KAPOLEI," was jointly offered by Representatives Cabanilla and Moses.

H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO MOVE THE DEPARTMENT OF HEALTH OFFICES TO KAPOLEI," was jointly offered by Representatives Cabanilla and Moses.

H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FOOD AND DRUG ADMINISTRATION TO EXPEDITE THE INSPECTION OF FROZEN CARGO ARRIVING DOCKSIDE IN HAWAII," was jointly offered by Representatives Cabanilla, Arakaki, Berg, Green, Hale, Marumoto, Meyer, Sonson, Evans, Finnegan, Halford and Tsuji.

H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION COORDINATE THE CLEAN UP AND IMPROVEMENT OF STATE LANDS AT WEST LOCH, OAHU," was jointly offered by Representatives Cabanilla, Evans, Finnegan, Fox, Hale, Halford, Marumoto, Meyer, Tsuji and Wakai.

H.C.R. No. 261, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE AGENCIES TO OBTAIN INFORMATION RELATING TO NORWEGIAN CRUISE LINE'S LABOR AND EMPLOYMENT POLICIES AND TAX PAYMENTS," was jointly offered by Representatives Cabanilla, Evans and Hale.

H.C.R. No. 262, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TRAINING PROGRAM IN CONJUNCTION WITH THE LOCAL REAL ESTATE APPRAISER'S NATIONAL ORGANIZATION AS PART OF THEIR PROFESSIONAL EDUCATIONAL SEMINARS TO TRAIN REAL ESTATE APPRAISERS TO USE THE INCOME CAPITALIZATION APPROACH TO SET LEASE RENT RATES FOR STATE AGRICULTURAL LEASE REOPENING," was jointly offered by Representatives Abinsay, Chang, Tsuji, Wakai, Halford, Karamatsu, Magaoay and Yamashita.

H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE LEGISLATURE AND ADMINISTRATION TO SUPPORT AND ENCOURAGE HAWAII'S AGRICULTURAL COMMUNITY'S EFFORTS TOWARD SUCCESSFUL CO-EXISTENCE AMONG ITS SECTORS AND TO RECOGNIZE THE ECONOMIC, HUMAN, AND ENVIRONMENTAL BENEFITS OF SUCH CO-EXISTENCE IN A DIVERSIFIED AGRICULTURE INDUSTRY," was jointly offered by Representatives Abinsay, Chang, Karamatsu, Magaoay, Tsuji, Wakai, Halford and Yamashita.

H.C.R. No. 264, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINGLE TO CONVENE A TASK FORCE CONSISTING OF REPRESENTATIVES FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE LONG-LINE FISHERMEN ASSOCIATION, AND OTHER INTERESTED GROUPS TO IDENTIFY A VIABLE, LONG-TERM SOLUTION TO THE NON-IMMIGRANT VISA STATUS OF ALIEN CREW MEMBERS OF FISHING VESSELS," was jointly offered by Representatives Abinsay, Arakaki, Hale, Ito, Kanoho, Magaoay, Chong, Evans, Green, Lee, Souki and Yamane.

H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," was offered by Representative Yamane.

H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF MAY AS MENTAL HEALTH AWARENESS MONTH," was jointly offered by Representatives Yamane, Arakaki, Nishimoto and Hale.

H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES TO CONDUCT INFORMATIONAL BRIEFINGS ON ALL ISLANDS ON THE NEED TO ESTABLISH MORE MARINE MANAGED AREAS THROUGHOUT THE STATE," was offered by Representative Kanoho.

H.C.R. No. 268, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSEMBLE AND MEET WITH STAKE HOLDERS WITH STRONG INTERESTS IN THE FUTURE OF MAUNA KEA TO ADDRESS CONCERNS AND PERTINENT ISSUES OF ASTRONOMICAL DEVELOPMENT OF THE MAUNA KEA SUMMIT AND TO DETERMINE OR RECOMMEND SOLUTIONS TO THESE CONCERNS AND ISSUES," was offered by Representative Kanoho.

H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE NUMBER OF LESS THAN FULL-TIME PUBLIC EMPLOYEES THAT ARE INELIGIBLE FOR HEALTH BENEFITS," was jointly offered by Representatives Caldwell, Ito, Nakasone, M. Oshiro and Souki.

H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON CIVIL SERVICE EXEMPT POSITIONS IN EACH EMPLOYING STATE JURISDICTION," was jointly offered by Representatives Caldwell, M. Oshiro, Ito, Nakasone and Souki.

H.C.R. No. 271, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ENVIRONMENTAL COUNCIL, WITH THE ASSISTANCE OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL AND THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER, TO DEVELOP AND PROMULGATE A GUIDANCE DOCUMENT ON INCLUDING PRINCIPLES OF ENVIRONMENTAL JUSTICE IN ALL PHASES OF ENVIRONMENTAL REVIEW UNDERTAKEN PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES," was offered by Representative Morita.

H.C.R. No. 272, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW HOUSE BILL 1706, RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT, AND MAKE RECOMMENDATIONS ON REASONABLE ALTERNATIVES FOR COMPLETING UNSPECIFIED PROVISIONS," was offered by Representative Morita.

H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM IN EACH SCHOOL DISTRICT OF THE STATE," was jointly offered by Representatives Arakaki, Berg and Abinsay.

H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO INCORPORATE INTO THE STUDENT WEIGHTED FORMULA THE ASSIGNMENT OF ADMINISTRATIVE AND COUNSELING STAFF," was jointly offered by Representatives Arakaki, Abinsay, Finnegan and Sonson.

H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE APPROPRIATION OF MONEYS TO FUND FACULTY POSITIONS AND CURRICULUM DEVELOPMENT AND SUPPORT FOR ILOCANO, FILIPINO, AND PHILIPPINE STUDIES AT THE UNIVERSITY OF HAWAII," was offered by Representative Arakaki.

H.C.R. No. 276, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CLAIM APPROPRIATE ADDITIONAL FEDERAL FUNDING UNDER THE MEDICAID PROGRAM," was jointly offered by Representatives Fox, Ching, Finnegan, Marumoto and Meyer.

H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A ONE-YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was jointly offered by Representatives Arakaki, Finnegan, Kawakami and Yamane.

H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO POST TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BUDGET INFORMATION ON ITS WEBSITE FOR PUBLIC REVIEW," was jointly offered by Representatives Sonson, Schatz, Arakaki, Kahikina and Takamine.

H.C.R. No. 279, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY TO DETERMINE A RETAIL SALES TAX RATE SUFFICIENT TO REPLACE THE STATE INCOME AND GENERAL EXCISE TAXES," was jointly offered by Representatives Sonson and Takamine.

H.C.R. No. 280, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROVIDE MANDATORY LEADERSHIP TRAINING TO NEIGHBORHOOD BOARD LEADERSHIP," was offered by Representative Berg.

H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP A DEFINITION OF CIVIC RESPONSIBILITY BY USING AN INVENTORY OF SCHOOL-LEVEL ACTIVITIES THAT PROMOTE CIVIC LEARNING IN STUDENTS," was offered by Representative Berg.

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO THE STUDENT MEMBER OF THE BOARD OF EDUCATION," was jointly offered by Representatives Berg, Shimabukuro and Takumi.

H.C.R. No. 283, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL MEMBERS OF THE HAWAII STATE LEGISLATURE TO VISIT STUDENTS IN CLASSROOMS IN SUPPORT OF CIVIC EDUCATION THROUGH THE LEGISLATORS BACK TO SCHOOL ANNUAL PROGRAM," was offered by Representative Berg.

H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO DEVELOP COMMUNITY-BASED YOUTH LEADERSHIP DEVELOPMENT CAMPS THROUGHOUT THE STATE," was jointly offered by Representatives Berg, Shimabukuro, Waters, Finnegan, Green and Takumi.

H.C.R. No. 285, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO HIGH SCHOOL STUDENTS WHO SERVE ON NON-PROFIT BOARDS, ADVISORY COUNCILS, OR COMMISSIONS," was jointly offered by Representatives Berg, Shimabukuro and Takumi.

H.C.R. No. 286, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII DEPARTMENT OF ECONOMICS TO CONDUCT AN ECONOMETRIC ANALYSIS OF THE EFFECTIVENESS OF MONIES SPENT BY THE HAWAII TOURISM AUTHORITY IN ACHIEVING ITS STATED GOALS," was offered by Representative Berg.

H.C.R. No. 287, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES, WORKING JOINTLY WITH THE COUNTIES, TO CONDUCT A STUDY ON FLOOD MITIGATION MEASURES FOR STREAMS IN THE KANEOHE AREA," was jointly offered by Representatives Ito, Chong and Waters.

H.C.R. No. 288, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES TO WORK WITH PRIVATE AND PUBLIC ENTITIES INCLUDING BUT NOT LIMITED TO THE OFFICE OF HAWAIIAN AFFAIRS, ALU LIKE, THE AMERICAN CIVIL LIBERTIES UNION, RIGHT OF PASSAGE, INC., THE FAMILY COURT, THE DEPARTMENT OF HEALTH, AND THE DEPARTMENT OF EDUCATION TO IMPLEMENT A THREE YEAR PILOT PROJECT AT THE HAWAII YOUTH CORRECTIONAL FACILITY THAT INCORPORATES THE PHILOSOPHY AND PRACTICES OF THE RITE OF PASSAGE EXPERIENCE," was offered by Representative Ito.

H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING HAWAII'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS BY URGING PRESIDENT BUSH AND HIS ADMINISTRATION TO CHANGE THEIR POSITION ON THE UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM ACT OF 2001, ALSO KNOWN AS THE USA PATRIOT ACT, AND AUTHORITY TO WITHHOLD FUNDAMENTAL RIGHTS OF DETAINEES, AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK FOR THE REPEAL OF THE USA PATRIOT ACT," was jointly offered by Representatives B. Oshiro, Luke, Morita, M. Oshiro, Schatz and Takumi.

H.C.R. No. 290, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO OPPOSE ANY SCHEME FOR PRIVATIZATION OF SOCIAL SECURITY RETIREMENT ACCOUNTS," was jointly offered by Representatives B. Oshiro, Schatz, and M. Oshiro.

H.C.R. No. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A STEM CELL RESEARCH TASK FORCE TO CONDUCT A STUDY AND PROPOSE RECOMMENDATIONS RELATING TO THE FEASIBILITY OF ENCOURAGING STEM CELL RESEARCH IN HAWAII," was jointly offered by Representatives B. Oshiro and Arakaki.

H.C.R. No. 292, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM TO EVALUATE THE POLICIES AND PRACTICES OF THE STATE OF WISCONSIN IN RELATION TO ITS LOCAL INVESTMENTS FOR POSSIBLE CONSIDERATION AND IMPLEMENTATION IN HAWAII," was jointly offered by Representatives B. Oshiro, Berg, Caldwell, Herkes, Karamatsu, Schatz and Wakai.

H.C.R. No. 293, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO FULFILL ITS CONSTITUTIONAL AND STATUTORY MANDATE TO PROTECT PUBLIC TRUST INSTREAM USES," was jointly offered by Representatives Carroll, Souki and Tanaka.

H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING DECEMBER 15 OF EVERY YEAR AS BILL OF RIGHTS DAY," was jointly offered by Representatives Carroll, Arakaki, Souki and Tanaka.

H.C.R. No. 295, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COORDINATION BY STATE AND COUNTY REGULATORY AGENCIES WITH RESPECT TO THE MANAGEMENT OF GENETICALLY MODIFIED ORGANISMS (GMO) RELATING TO HEALTH, AGRICULTURE, AND THE ENVIRONMENT," was jointly offered by Representatives Carroll, Souki and Tanaka.

H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT KEY STATE AND COUNTY PERSONNEL INVOLVED WITH HEALTH PROGRAMS BE EDUCATED ON THE PRINCIPLES OF HEALTH ECONOMICS TO INCORPORATE INTO THEIR EVALUATIONS AND DECISION-MAKING," was jointly offered by Representatives Carroll, Arakaki, Kanoho, Souki and Tanaka.

## ANNOUNCEMENTS

Representative Hale, for the Committee on International Affairs and the Committee on Health requested a waiver of the 48-hour advance notice requirement to hear H.C.R. 73, on March 18, 2005 at 8:30 a.m. in Room 329, and the Chair "so ordered."

Representative Hale, for the Committee on International Affairs also requested a waiver of the 48-hour advance notice requirement to hear S.B. 1709, on March 18, 2005 at 8:30 a.m. in Room 329, and the Chair "so ordered."

Representative Hale, for the Committee on International Affairs also requested a waiver of the 48-hour advance notice requirement to hold decision making on H.C.R. 65 and H.C.R. 69, to be scheduled for March 18, 2005 at 8:30 a.m. in Room 329, and the Chair "so ordered."

Representative Ito, for the Committee on Public Safety & Military Affairs requested a waiver of the 48-hour advance notice requirement to hear S.B. 128, SD 1, tomorrow, March 17, 2005 at 9:20 a.m. in Room 309, and the Chair "so ordered."

At this time, Representative B. Oshiro moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving resolutions and concurrent resolutions for introduction, seconded by Representative Meyer, and carried. (Representative Thielen was excused.)

At 12:22 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 12:00 o'clock noon tomorrow, Thursday, March 17, 2005. (Representative Thielen was excused.)

#### ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 17, 2005.

## THIRTY-SECOND DAY

Thursday, March 17, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Kahu Curt Kekuna of Kawaiiaha'o Church, after which the Roll was called showing all members present.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Fourth and Twenty-Fifth Days were approved.

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 184) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 184, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2004.

## INTRODUCTIONS

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

Representative Finnegan introduced former Representative Bob McDermott.

Representative Lee introduced members from the Honolulu City and County Caregiver Support Group: from Alewa Heights, Ms. Lorraine Fay and Ms. Priscilla Lee; and from Makiki, Mr. Gary Kaneshiro.

Representative Lee also introduced from the Executive Office on Aging, Mr. Wes Lum.

Representative Lee also introduced staff members from the Girl Scout Council of Hawaii:

Ms. Tricia Yamashita, Director of Statewide Membership Services and Kauai County Manager;  
 Ms. Diane Wydock, Maui County Manager;  
 Ms. Char Awa, Hawaii County Manager;  
 Ms. Jennifer Frisbee, Oahu Membership Development Manger;  
 Ms. Tiffany Sirmans, Oahu Membership Development Manager;  
 Ms. Kristi Cordoso, Development Officer; and  
 Ms. Sami Takai, Director of Development.

Representative Marumoto introduced fifth grade students from Wilson Elementary School, accompanied by teacher, Mrs. Wendy Machida; and parents, Mrs. Lorraine Mikami and Mrs. Ellie Lee.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 90, 94 through 118) and concurrent resolutions (H.C.R. Nos. 117, 122 through 158; and S.C.R. No. 16) were referred to committee by the Speaker:

H.R.  
Nos.Referred to:

90	Committee on Health, then to the Committee on Consumer Protection & Commerce
94	Committee on Public Safety & Military Affairs
95	Jointly to the Committee on Transportation and the Committee on Economic Development & Business Concerns
96	Committee on Tourism & Culture
97	Committee on Tourism & Culture
98	Committee on Public Safety & Military Affairs, then to the Committee on Health
99	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
100	Committee on International Affairs
101	Committee on Health
102	Committee on International Affairs
103	Committee on Health, then to the Committee on Legislative Management
104	Jointly to the Committee on Education and the Committee on Higher Education
105	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
106	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Education, then to the Committee on Finance
107	Committee on Education
108	Jointly to the Committee on Hawaiian Affairs and the Committee on Economic Development & Business Concerns, then jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance
109	Committee on Energy & Environmental Protection
110	Committee on Transportation, then to the Committee on Finance
111	Committee on Transportation, then to the Committee on Finance
112	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance
113	Committee on Higher Education
114	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources
115	Committee on Health



- 116 Jointly to the Committee on Energy & Environmental Protection and the Committee on International Affairs
- 117 Committee on Health, then to the Committee on Finance
- 118 Committee on Consumer Protection & Commerce, then to the Committee on Finance

**H.C.R.**  
**Nos.**

- Referred to:**
- 117 Committee on Health, then to the Committee on Consumer Protection & Commerce
- 122 Committee on Transportation
- 123 Committee on Legislative Management
- 124 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health
- 125 Jointly to the Committee on Human Services and the Committee on Health
- 126 Committee on Transportation, then to the Committee on Finance
- 127 Committee on Tourism & Culture
- 128 Committee on Tourism & Culture
- 129 Committee on Public Safety & Military Affairs, then to the Committee on Health
- 130 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs
- 131 Committee on Water, Land, & Ocean Resources
- 132 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 133 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Legislative Management
- 134 Committee on International Affairs
- 135 Committee on Finance
- 136 Committee on Public Safety & Military Affairs, then to the Committee on Finance
- 137 Committee on Agriculture
- 138 Committee on International Affairs
- 139 Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs, then to the Committee on Housing
- 140 Committee on Health
- 141 Jointly to the Committee on Energy & Environmental Protection and the Committee on Higher Education

- 142 Jointly to the Committee on Education and the Committee on Higher Education
- 143 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 144 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Education, then to the Committee on Finance
- 145 Committee on Education
- 146 Jointly to the Committee on Hawaiian Affairs and the Committee on Economic Development & Business Concerns, then jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance
- 147 Committee on Energy & Environmental Protection
- 148 Committee on Transportation, then to the Committee on Finance
- 149 Committee on Transportation, then to the Committee on Finance
- 150 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance
- 151 Committee on Higher Education
- 152 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources
- 153 Committee on Health
- 154 Jointly to the Committee on Energy & Environmental Protection and the Committee on International Affairs
- 155 Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources
- 156 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 157 Committee on Health, then to the Committee on Finance
- 158 Committee on Consumer Protection & Commerce, then to the Committee on Finance

**S.C.R.**  
**No.**

- Referred to:**
- 16, SD1 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

**COMMITTEE REASSIGNMENTS**

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

**S.B.**  
**Nos.**

**Re-referred to:**

27, SD1	Committee on Finance
738, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
789	Committee on Finance
1006, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1478, SD1	Committee on Finance
1592, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources, then to the Committee on Housing, then to the Committee on Finance
1814, SD2	Committee on Education, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Housing, then to the Committee on Finance

Representative Moses then recognized Mr. Jack Lucas as a Medal of Honor recipient.

Representative Thielen then introduced guests seated in the gallery:

Brigadier General George J. Trautman, III, USMC, Commanding General, Marine Corps Base Hawaii; Deputy Director Commander, Marine Corps Forces Pacific; Deputy Commanding General, Third Marine Expeditionary Force; and his wife, Mrs. Zoe Trautman;

Col. Steven C. Veach, Chief of Staff, Marine Corps Base Hawaii, and his wife, Mrs. Delene Veach, daughter of Iwo Jima veteran Mr. Thomas Tudone Jr.;

Ms. Sarah Fry, Deputy Director, MCB Hawaii Public Affairs Office;

Mr. Bob McDermott, Executive Director of the Navy League; and

Other family members and Marine Base personnel.

The motion was put to vote by the Chair and carried, and H.R. No. 221 was adopted with Representatives Evans, Nakasone and Saiki being excused.

At 12:39 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:52 o'clock p.m.

The following resolution was re-referred to committee by the Speaker:

**H.R.**  
**No.**

**Re-referred to:**

72	Committee on Health
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**INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 221) was announced by the Clerk and the following action taken:

H.R. No. 221, entitled: "HOUSE RESOLUTION ON THE 60TH ANNIVERSARY OF THE BATTLE OF IWO JIMA HONORING THE VETERANS OF THE 3RD MARINE DIVISION, THE 4TH MARINE DIVISION, THE 5TH MARINE DIVISION, THE V (5TH) AMPHIBIOUS CORPS, AND THE NAVAL FORCES' 5TH FLEET WHO FOUGHT BRAVELY," was jointly offered by Representatives Thielen and M. Oshiro.

Representative Thielen, moved that H.R. No. 221 be adopted, seconded by Representative M. Oshiro.

Representative Thielen introduced the Iwo Jima veterans who were seated on the floor of the House:

5th Marine Division

Mr. Jack Lucas  
Mr. Joseph W. Rogers, Jr.  
Mr. Frank J. Wright

3rd Marine Division

Mr. John Farritor  
Mr. Dale Quillen

4th Marine Division

Mr. Edwin P. DesRosiers  
Mr. Harry L. Hawkins  
Mr. Paul Mitchell

Navy (Seabee)

Mr. John Hartford  
Mr. Frank Collins

**STANDING COMMITTEE REPORTS**

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1025), recommending that H.R. No. 24, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 24, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO COORDINATE EFFORTS TO PLAN AND DEVELOP A SURVEILLANCE SYSTEM FOR TRACKING CHILDHOOD OBESITY DATA AND IMPLEMENTING "BEST PRACTICES" PREVENTION AND TREATMENT INTERVENTION PROGRAMS TO REDUCE CHILDHOOD OBESITY," was referred to the Committee on Finance with Representatives Evans, Herkes, Saiki, Shimabukuro and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1026), recommending that H.C.R. No. 21, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 21, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO COORDINATE EFFORTS TO PLAN AND DEVELOP A SURVEILLANCE SYSTEM FOR TRACKING CHILDHOOD OBESITY DATA AND IMPLEMENTING "BEST PRACTICES" PREVENTION AND TREATMENT INTERVENTION PROGRAMS TO

REDUCE CHILDHOOD OBESITY," was referred to the Committee on Finance with Representatives Evans, Herkes, Saiki, Shimabukuro and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1027), recommending that H.C.R. No. 24, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 24, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STATEWIDE STRATEGIC PLAN TO PROMOTE OBESITY PREVENTION AND HEALTHY LIFESTYLES," was referred to the Committee on Finance with Representatives Evans, Herkes, Saiki, Shimabukuro and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1028) recommending that S.B. No. 756, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 756, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Evans, Herkes, Saiki and Shimabukuro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1029) recommending that S.B. No. 819, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 819, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans, Herkes, Saiki and Shimabukuro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1030) recommending that S.B. No. 1474, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1474, SD 1, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition. You know, Speaker, my son is an astronomer at Cal Tech. And Cal Tech is one of the people that own the Keck Observatory on the top of Mauna Kea. So I've learned a lot about this issue from him.

"Mauna Kea is the best spot in the world for looking at the heavens. But it has a major competitor in Chile and they've found a place in the southern hemisphere in Chile that's at a high elevation that can also compete for major telescopes. And we are in the process of figuring out where the next generation

telescope, the 30 meter, \$1 billion telescope is going to go. And it's going to create lots of jobs for whatever entity it goes to.

"I'm familiar that the University of Hawaii has gone to great lengths under the head of the Astronomy Department there, Rolf Kudritzki, to work closely with the Hawaiian community; make sure the native Hawaiian community concerns and the concerns of the environmental interests are all met up at Mauna Kea and everybody can work together.

"It is vital, absolutely vital to the future of this State, which at one time during the campaign of John Waihee, for Governor of Hawaii, was reduced to a single picture of a telescope sitting at the top of Mauna Kea. That's how Governor Waihee portrayed his vision of the future of Hawaii; in that one picture of a telescope sitting at the top of Mauna Kea.

"It's vital to the future of this State and our role in the astronomy of the world that the University of Hawaii continue to operate this facility. We allow the University of Hawaii, which has the wisdom of experience and working through this issue for decades to continue to manage this thing. We should not be passing a bill that threatens the University of Hawaii's management of that valuable property. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support with reservations and I ask that the words of the Minority Leader be inserted in the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Meyer continued, stating:

"We heard this bill in the Water, Land Committee and while the Committee did amend it, which I think is a good thing, it made it far more neutral than originally introduced. It was just one sided. It's premature to have a study. There was an audit done in '98. The University has worked with interested parties, the community members; and a new master plan was drawn up. A lot of things have been done, addressed in that master plan, and I think that we should have just let the parties work with each other without further interference. Thank you."

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

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

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

"Thank you, Mr. Speaker, in strong support. Thank you, Mr. Speaker. I totally agree with the comments made by the Minority Leader. And it is for those reasons that we actually are proceeding with this measure. To defeat this measure, and not to go forward, would be taken as an insult in completely ignoring the concerns that have been expressed.

"Now whether we proceed with a study or an audit, we're still trying to determine that. We're considering a fact finding mission, on the part of the Committee members, to find what the issues are and to resolve them. We suspect that the issues are really policy issues, but we do intend to use that approach in support of continued operations of the observatories of Mauna Kea. Thank you."

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

"Mr. Speaker, with reservations and the words of the Representative from Waikiki pertaining to what is great about our Mauna Kea observatory and the competition," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. You know, I kind of blame myself in a way. I'm speaking in support. Thank you, Mr. Speaker. I was County Chairman in 1963 and '64. And at that time I was visited by Dr. Gerald Kuiper, who is the outstanding astronomer from the University of Arizona. He wanted to test Mauna Kea and decide whether or not it would be a suitable place for developing an astronomy industry. I supported it. I always believed in it.

"In 1963 and '64, the County of Hawaii was in desperate straits. Our sugar plantations were mechanizing, throwing people out of work. Our canning plant had closed up throwing another 200 people out of work. We were losing the brightest and most able people, young people, who couldn't find opportunities on the island of Hawaii. And I've always been an admirer of astronomy. To me it was a clean industry that we should support.

"At that time, there was not a resurgence of the Hawaiian Sovereignty and renaissance of the Hawaiian Spirit. Many Hawaiians didn't know very much about their history and so there was very little opposition at that time. Our opposition came from May Mull, who was a biologist, and she was concerned about the *Palila* bird. Another scientist was concerned about the *Wekiu* bug. It was the natural science people who were opposed.

"I happened to be in the position to work with the former Governor John Burns to build the jeep road to the top of Mauna Kea so that Dr. Kuiper could bring his people from the University of Arizona to test the facilities. And as a result of their observation, he made the statement that Mauna Kea was the best site in the world to observe the skies and find out whether there was life on another planet.

"So, I have always been in support of the astronomy industry. However, in the last 15 to 20 years there has been a resurgence of Hawaiian identity. And they have researched their history and they realize now that Mauna Kea is a very sacred place. And their concerns have to be addressed. We have tried many solutions to do this. Even when I was out of government, I organized, through the League of Women Voters, a Mauna Kea foundation, which could support the astronomy industry. But, unfortunately the University of Hawaii's Institute of Astronomy was located in Honolulu and it was only composed of scientists. It was not astronomers. It was not composed of anybody sensitive to the Hawaiian issues and to the Hawaiian cultural issues that were involved."

Representative M. Oshiro rose to yield his time, and the Chair "so ordered."

Representative Hale continued, stating:

"Thank you. I think that it's important to give people a perspective of the history of the astronomy industry, which I am very much for. But, I am also very much concerned about preserving our Hawaiian culture and the history and the taking care of people's real concerns about their cultural background.

"Somehow we have to find a medium place between these two concerns. We cannot be concerned primarily about \$50 billion. Dollars are not what Hawaii is all about. We also have to be concerned with the sensitivities and the beliefs of people who feel that this is a very sacred mountain. So, I've been in the midst of many controversies.

"I noticed in the Committee Report they're suggesting, for instance, a process such as the geothermal approval process might be a solution. And I'd like to say that I came back into politics by moving back to and building my home in Puna, which is within walking distance of the geothermal plant. So, I've been involved in all of these various controversies over the years. And when I moved there, I said, I am going to have my residence here, but they better do it right. They had not done it right before. The University didn't do it right before and that is the cause of these concerns. So, I support this as a positive way that maybe we can find a solution to solve the problems of preserving the cultural heritage of our island and our home as well as promoting what I believe is a clean industry; the astronomy industry. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in favor and I have reservations as expressed, well expressed, by the Representative from Waikiki. I believe that the School of Astronomy is doing some wondrous things up there, and so too, the various nations that have telescopes there. I do hope that you folks will be able to visit the area, perhaps with your respective Committees. But it is a remarkable area where there is a lot of global cooperation and high-tech work going on.

"If you're invited to the place where the scientists spend the night, because they do not sleep at the top because it's too high, you will hear so many languages being spoken. French, German, Japanese, and it's quite remarkable. Of course, they all do speak English too. And I hope you will have an opportunity to visit the top. Thank you."

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

"Thank you, Mr. Speaker. I agree with a lot of the comments that have been raised. I'm speaking in support. I also agree with the Minority Leader that this is an industry that is clean. It probably pays better, and provides better paying jobs to our citizens. At the same time, I think it brings up the issue of us as Hawaiians as the host culture. I think that argument is always brought up.

"We cannot go to Makua Valley because the military needs it. I understand national defense. Until recent history, Kahoolawe also. And other areas because we needed it for the construction industry; other areas in the State because of other industries. But where does it end? Where do we go? We cannot go anywhere else. The mountain is a very sacred place and is something that I think needs to continue as a sacred place for Hawaiians. Thank you."

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

"Thank you, Mr. Speaker. I speak in strong support of this measure. As a native Hawaiian and knowing that Mauna Kea is part of our ceded lands, I believe that we need to do a feasibility study for the purpose of knowing what we're doing with our lands up there.

"I am supportive of astronomy, as well and research however, there are many groups that are concerned with the

sacred and cultural sites that lie upon Mauna Kea and my concern is that, how many more users are going to be up there? And what are we going to do to protect those sites? So Mr. Speaker, I ask my colleagues to please strongly support this measure."

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

"Thank you, Mr. Speaker. I'm voting with reservations out of respect for all of the parties involved, and people that will be affected and I am looking forward to a more perfect bill in the future. Thank you."

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 S.B. No. 1474, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAUNA KEA SCIENCE RESERVE AUTHORITY," passed Second Reading and was referred to the Committee on Higher Education with Representatives Evans, Herkes, Saiki and Shimabukuro being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1031) recommending that S.B. No. 1843, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1843, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans, Herkes, Saiki and Shimabukuro being excused.

#### ANNOUNCEMENTS

Representative Karamatsu, for the Committee on Tourism and Culture requested a waiver of the 48-hour advance notice requirement to hear: S.B. 541, Relating to Digital Media; S.B. 967, Relating to the Museum of Hawaiian Music and Dance; S.B. 1141, Relating to Timeshare Plans; and S.B. 768, Relating to Contest Involving No Rules Combat.

And decision making only on S.B. 1186, Relating to Hotel Construction and Remodeling Tax Credit; S.B. 1304, Relating to Television and Film Industry Development; S.B. 1729, Relating to Tourism; and S.B. 1863, Relating to Transit Accommodations Tax, on Friday, March 18 at 9:00 a.m., and the Chair "so ordered."

Representative Lee: "I'd just like to remind our colleagues that next Wednesday will be their last chance to get their Easter baskets to either the office of Representative Thielen, Representative Morita, or myself. Some suggestions that have been given are toothpaste, combs, soap; all kinds of toiletries can be included in the basket. You can see some of the baskets in my office if you're unsure what to do. Thank you."

Representative Berg: "Thank you, Mr. Speaker. Regarding the Food Drive, I would like to thank Representative

Yamashita's office for coordinating the upcoming baked goods and chili cook off. Representative Meyer's office contributed Hinode rice. They're on display in front of our office. Please come and enjoy them. Representative Blake Oshiro's office for agreeing to coordinate our upcoming bento sale. Thank you to our colleagues. And the drive ends on April 15th. So, all donations are still welcome, thank you."

#### ADJOURNMENT

At 1:10 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 18, 2005. (Representatives Evans, Herkes, Saiki and Shimabukuro were excused.)

## THIRTY-THIRD DAY

Friday, March 18, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor John Goodale of Ko'olau Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Herkes, Souki and Takamine, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 185) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 185, transmitting the Hawaii Correctional Industries' Annual Report for fiscal year ending June 30, 2004.

## INTRODUCTIONS

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

Representative Ching introduced fifth grade students of Maemae Elementary School, accompanied by teachers, Ms. Tess Yasui and Mrs. Donna Nakamura; and parents, Mr. Scott Aikau and Ms. Susan Takumi, Representative Roy Takumi's sister.

Representative Abinsay introduced from Dr. Riwako Hagiuda with the Japanese Ministry of Agriculture, Forestry, and Fisheries. She was accompanied by Mr. John Wunderly, U.S. Department of State Interpreter; Dr. Teresita G. Bernales, International Visitor Leadership Program Coordinator; Ms. Maria Lina Salinas, Program Associate, International Center of Syracuse, New York; and Ms. Christine Sabino, his office manager.

Representative Lee introduced members of the Student Council at Mililani Waena Elementary School, president, Spencer Honda; treasurer, Karl Haakenson; and classroom representatives, Brittany Green, Ian Kaopua, Michelle Maraan and Mark Kinkade. They were accompanied by advisors, Ms. Tricia Ho, Ms. Michelle Haakenson and Ms. Angie Iaea; and Representative Lee's staff, Mr. Lloyd Nakahara.

Representative Lee also introduced from Madison, Wisconsin, Mr. Matthew White and Mrs. Anna White, parents of Mr. Doug White, her Committee Clerk.

Representative Shimabukuro introduced students from Kamaile Elementary School, Ms. Jenna Munoz, Mr. Lee-J Gatewood, Ms. Sherai Oclit, Ms. Kiaurrei Sivia, accompanied by teacher, Mr. Lawrence Ujimori; and chaperone, Ms. Vickie Munoz.

Representative Shimabukuro also introduced student Kolu Ryan of Waianae High School, accompanied by principal, Ms. Joann Kumasaka; and teachers, Mr. John Allen and Ms. Candy Suiso.

Representative Kahikina introduced students from Nanakuli High and Intermediate School and Maili Elementary School.

Representative Stonebraker introduced Mr. Phil Johnson, administrator with the Youth With a Mission.

Representative Caldwell introduced Mr. Glenn Fernandez, teacher with Noelani Elementary School.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 119 through 220) and concurrent resolutions (H.C.R. Nos. 159 through 296) were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
119	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Legislative Management
120	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, then to the Committee on Legislative Management
121	Committee on International Affairs
122	Committee on Higher Education
123	Committee on Health, then to the Committee on Legislative Management
124	Committee on Agriculture
125	Committee on Higher Education
126	Committee on Finance
127	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
128	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
129	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs
130	Committee on Human Services, then to the Committee on Education
131	Committee on Hawaiian Affairs, then to the Committee on Higher Education
132	Committee on Hawaiian Affairs, then to the Committee on Higher Education
133	Committee on Hawaiian Affairs, then to the Committee on Finance
134	Committee on Judiciary, then to the Committee on Finance
135	Committee on Energy & Environmental Protection

136	Committee on Transportation, then to the Committee on Finance	163	Committee on International Affairs, then to the Committee on Finance
137	Committee on Water, Land, & Ocean Resources	164	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
138	Committee on Labor & Public Employment	165	Committee on Transportation, then to the Committee on Finance
139	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health	166	Committee on Health, then to the Committee on Finance
140	Committee on Education	167	Committee on Agriculture
141	Jointly to the Committee on Health and the Committee on International Affairs	168	Committee on Housing
142	Jointly to the Committee on Education and the Committee on Higher Education	169	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary
143	Committee on Consumer Protection & Commerce	170	Committee on Consumer Protection & Commerce, then to the Committee on Finance
144	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	171	Committee on Health, then to the Committee on Finance
145	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	172	Jointly to the Committee on Education and the Committee on Higher Education and the Committee on International Affairs, then to the Committee on Finance
146	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	173	Committee on Higher Education, then to the Committee on Finance
147	Committee on Hawaiian Affairs, then to the Committee on Judiciary	174	Committee on Economic Development & Business Concerns, then to the Committee on Finance
148	Committee on International Affairs, then to the Committee on Judiciary	175	Committee on Finance
149	Committee on Education	176	Committee on Economic Development & Business Concerns, then to the Committee on Finance
150	Committee on Transportation, then to the Committee on Judiciary	177	Committee on Consumer Protection & Commerce
151	Committee on Labor & Public Employment	178	Committee on Education
152	Committee on Education, then to the Committee on Finance	179	Committee on Education
153	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns	180	Committee on Education
154	Committee on Health, then to the Committee on Finance	181	Committee on Higher Education
155	Committee on Education	182	Committee on Public Safety & Military Affairs
156	Committee on Water, Land, & Ocean Resources	183	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
157	Committee on Energy & Environmental Protection	184	Committee on Public Safety & Military Affairs
158	Committee on Water, Land, & Ocean Resources	185	Committee on Public Safety & Military Affairs
159	Committee on Energy & Environmental Protection, then to the Committee on Finance	186	Committee on Public Safety & Military Affairs
160	Committee on Transportation	187	Committee on Education
161	Committee on Health, then to the Committee on Finance	188	Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources
162	Committee on Health		

189	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	214	Committee on Judiciary
190	Committee on Health, then to the Committee on Finance	215	Committee on Labor & Public Employment
191	Committee on Agriculture and the Committee on Economic Development & Business Concerns	216	Committee on Health
192	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	217	Committee on Labor & Public Employment, then to the Committee on Finance
193	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	218	Committee on Water, Land, & Ocean Resources
194	Committee on Agriculture	219	Committee on Judiciary
195	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs and the Committee on International Affairs	220	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
196	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services		
197	Committee on Water, Land, & Ocean Resources	<b><u>H.C.R.</u></b>	<b><u>Referred to:</u></b>
198	Committee on Labor & Public Employment	<b><u>Nos.</u></b>	
199	Committee on Labor & Public Employment	159	Committee on Water, Land, & Ocean Resources
200	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	160	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Legislative Management
201	Committee on Education	161	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, then to the Committee on Legislative Management
202	Committee on Education	162	Committee on International Affairs
203	Committee on Higher Education, then to the Committee on Finance	163	Committee on Higher Education
204	Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Finance	164	Committee on Health, then to the Committee on Legislative Management
205	Committee on Human Services, then to the Committee on Finance	165	Committee on Agriculture
206	Committee on Finance	166	Committee on Higher Education
207	Committee on Education, then to the Committee on Finance	167	Committee on Finance
208	Committee on Education	168	Committee on Finance
209	Committee on Education	169	Committee on Agriculture
210	Committee on Education, then to the Committee on Finance	170	Committee on Housing
211	Committee on Education	171	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
212	Jointly to the Committee on Higher Education and the Committee on Tourism & Culture, then to the Committee on Finance	172	Committee on Consumer Protection & Commerce, then to the Committee on Finance
213	Committee on Public Safety & Military Affairs	173	Committee on Water, Land, & Ocean Resources, then to the Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance
		174	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs
		175	Committee on Human Services, then to the Committee on Education
		176	Committee on Hawaiian Affairs, then to the Committee on Higher Education



177	Committee on Hawaiian Affairs, then to the Committee on Higher Education	203	Committee on Education, then to the Committee on Finance
178	Committee on Energy & Environmental Protection	204	Committee on Consumer Protection & Commerce, then to the Committee on Finance
179	Jointly to the Committee on Judiciary and the Committee on International Affairs	205	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns
180	Committee on Hawaiian Affairs, then to the Committee on Finance	206	Committee on Health, then to the Committee on Finance
181	Committee on Judiciary, then to the Committee on Finance	207	Committee on Education
182	Committee on Transportation, then to the Committee on Judiciary	208	Committee on Education
183	Committee on Energy & Environmental Protection	209	Committee on Water, Land, & Ocean Resources
184	Committee on Transportation, then to the Committee on Finance	210	Committee on Energy & Environmental Protection
185	Committee on Water, Land, & Ocean Resources	211	Committee on Water, Land, & Ocean Resources
186	Committee on Labor & Public Employment	212	Committee on Energy & Environmental Protection, then to the Committee on Finance
187	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health	213	Committee on Higher Education, then to the Committee on Finance
188	Committee on Education	214	Committee on Transportation
189	Jointly to the Committee on Health and the Committee on International Affairs	215	Committee on Health, then to the Committee on Finance
190	Jointly to the Committee on Education and the Committee on Higher Education	216	Committee on Health
191	Committee on Consumer Protection & Commerce	217	Committee on International Affairs, then to the Committee on Finance
192	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	218	Committee on Health, then to the Committee on Finance
193	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	219	Committee on Judiciary, then to the Committee on Finance
194	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	220	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
195	Committee on Hawaiian Affairs, then to the Committee on Judiciary	221	Committee on Transportation, then to the Committee on Finance
196	Committee on International Affairs, then to the Committee on Judiciary	222	Committee on Health, then to the Committee on Finance
197	Committee on Education	223	Committee on Agriculture
198	Committee on Education, then to the Committee on Finance	224	Committee on Education
199	Committee on Education	225	Committee on Transportation
200	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	226	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary
201	Committee on Education	227	Committee on Consumer Protection & Commerce, then to the Committee on Finance
202	Committee on Labor & Public Employment	228	Committee on Health, then to the Committee on Finance

229	Committee on Health, then to the Committee on Finance	253	Committee on Public Safety & Military Affairs
230	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, then to the Committee on Health, then to the Committee on Finance	254	Committee on Education
231	Jointly to the Committee on Judiciary and the Committee on Health, then to the Committee on Finance	255	Committee on Health, then to the Committee on Finance
232	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance	256	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources
233	Committee on Health, then to the Committee on Finance	257	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
234	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance	258	Committee on Health, then to the Committee on Finance
235	Jointly to the Committee on Human Services and the Committee on Health	259	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns
236	Jointly to the Committee on Education and the Committee on Higher Education and the Committee on International Affairs, then to the Committee on Finance	260	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
237	Committee on Consumer Protection & Commerce, then to the Committee on Finance	261	Committee on Tourism & Culture, then to the Committee on Transportation, then to the Committee on Labor & Public Employment
238	Committee on Higher Education, then to the Committee on Finance	262	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
239	Jointly to the Committee on Housing and the Committee on Human Services	263	Committee on Agriculture
240	Committee on Economic Development & Business Concerns, then to the Committee on Finance	264	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs and the Committee on International Affairs
241	Committee on Finance	265	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services
242	Committee on Economic Development & Business Concerns, then to the Committee on Finance	266	Committee on Health
243	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Finance	267	Committee on Water, Land, & Ocean Resources
244	Committee on Consumer Protection & Commerce	268	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education, then to the Committee on Finance
245	Committee on Education	269	Committee on Labor & Public Employment
246	Committee on Education	270	Committee on Labor & Public Employment
247	Committee on Education	271	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
248	Committee on Higher Education	272	Committee on Energy & Environmental Protection, then to the Committee on Finance
249	Committee on Public Safety & Military Affairs	273	Committee on Education
250	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	274	Committee on Education
251	Committee on Public Safety & Military Affairs	275	Committee on Higher Education, then to the Committee on Finance
252	Committee on Public Safety & Military Affairs		

276	Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Finance
277	Committee on Health
278	Committee on Human Services, then to the Committee on Finance
279	Committee on Economic Development & Business Concerns, then to the Committee on Finance
280	Committee on Finance
281	Committee on Education, then to the Committee on Finance
282	Committee on Education
283	Committee on Education
284	Committee on Education, then to the Committee on Finance
285	Committee on Education
286	Jointly to the Committee on Higher Education and the Committee on Tourism & Culture, then to the Committee on Finance
287	Committee on Public Safety & Military Affairs
288	Committee on Human Services, then to the Committee on Finance
289	Committee on Judiciary
290	Committee on Labor & Public Employment
291	Committee on Health
292	Committee on Labor & Public Employment, then to the Committee on Finance
293	Committee on Water, Land, & Ocean Resources
294	Committee on Judiciary
295	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
296	Committee on Health, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
1094, SD1	Committee on Finance
1872	Committee on Finance
1876, SD2	Committee on Judiciary, then to the Committee on Finance

The following resolution and concurrent resolutions were re-referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>
113	Committee on International Affairs

<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
140	Committee on Health, then to the Committee on Legislative Management
151	Committee on International Affairs

#### INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 222) was announced by the Clerk and the following action taken:

H.R. No. 222, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING 'OLELO COMMUNITY TELEVISION'S SECOND ANNUAL STATEWIDE YOUTH XCHANGE COMPETITION, PARTICIPANTS OF THE WINNING SCHOOLS, AND ITS SPONSORS," was offered by Representative Chang.

Representative Chang, moved that H.R. No. 222 be adopted, seconded by Representative Karamatsu.

Representative Chang introduced the sponsors of the Second Annual 'Olelo Youth Xchange Awards who were seated on the floor of the House:

Ms. Kealii Lopez, President and Chief Executive Officer for 'Olelo Community TV;

Mr. Don Kim, President of Sony Hawaii;

Mr. Mike Nelson, Executive Vice President and Chief Operating Officer for Ko 'Olina Resort and Marina;

Mr. Paul Oshiro, Director of Government Affairs for Verizon Hawaii;

Ms. Betty Markowski, President and Founder of Mac Made Easy;

Ms. Rachel Leber, Events Coordinator for Meadow Gold Hawaii; and

Ms. Leah Allen, Marketing Director for TD Food Group, Inc.

Representative Chang then introduced award winning student filmmaker, Andrew Kerekes, and his teacher, Ms. Shelly Bishop of Mililani High School who were seated on the floor of the House.

Representative Chang also recognized Andrew Kerekes for his animation video, "One Wish," Short Subject Category winner, High School Division; and overall winner in the Judges Choice Category.

Representative Karamatsu then introduced and recognized the following award-winning student filmmakers and their teachers who were seated in the gallery:

Hawaiian Mission Elementary and Intermediate School

Student filmmaker Megan Clark, accompanied by teachers Mr. John Mooy and Mr. Nick Everson, for: "No Means No: A Documentary About Date Rape," a Mini Documentary winner, Middle School Division.

Kamaile Elementary School

Student filmmakers Jenna Munoz and Taizha Kaluhiokalani, accompanied by teacher Mr. Lawrence Ujimori, for: "Racing is for the Track," a Public Service Announcement winner, Elementary School Division.

Waianae High School

Student filmmaker Kolu Ryan, accompanied by teachers Mr. John Allen and Ms. Candy Suiso, for: "Get on the Bus," an Experts Category winner.

Kawananakoa Middle School

Student filmmakers Julice Kaina, Fasson Page, Khrystina Clerk, Rachael Aweau, Robyn Vea and Taylor Manriki, accompanied by teacher Ms. Charleen Ego, for: "Kicking Stress," a Short Subject Category winner, Middle School Division; and "Why Can't it Change?" a Music Video winner.

Leilehua High School

Student filmmakers Jaydi Oyamot, Erica Staudinger, Kaipo Meyer and Reid Nakasone, accompanied by teachers Ms. Deena Yoneda and Mr. Kainoa Magaoay for: "Is This It?" a Narrative winner, Middle/High School Division.

Mali Elementary School

Student filmmakers Michael Samatra, Alan Ibanes, Suzanne Cordeiro, Anthony Roque, Tommy Kono, Anna Souza, and Tuli Leota, and their teacher Mr. Calvin Nakano, for: "Going Back to the Roots of Tuli," a Mini Documentary winner, Elementary School Division; and "You Choose," a Narrative winner, Elementary School Division.

Nanakuli High and Intermediate School

Student filmmakers John Henry Palakiko, Naturalee Puao, Karla Noa, Ashley Gomes, Noelani Napuelau-Saole, and Jonnalyn Robello, accompanied by teachers Mr. Royden Apana and Mr. James Taylor, and Vice Principal Mr. Levi Chang, for: "Nanaikapono News," a News Category winner, Middle School Division; "Whatever it Takes 2 Stay Alive," a Public Service Announcement winner, Middle School Division; and "Come and See (Na Hele Mai Nana)," a Mini Documentary winner, High School Division.

Moanalua High School

Student filmmakers Gerald Rojo and Marisa Kiethanom, accompanied by teachers Mr. Dan Hale, and Vice Principal Ms. Teri Ushijima, for: "Teens and War," a News Category winner, High School Division; and "Words Can Kill," a Public Service Announcement winner, High School Division.

Sacred Hearts Academy

Student filmmaker Alice Thieu, accompanied by teacher, Ms. Jennifer Higa, and Principal Ms. Betty White, for: "I Need a Smoke," an Animation Category winner.

Chiefess Kamakahelei Middle School

Teacher Mr. Kevin Matsunaga representing student finalists in the Mini Documentary, Public Service Announcement, and News Categories.

Hanalei Elementary School

Teacher Ms. Melanie Hermsstad representing student finalists in the Public Service Announcement Category.

Kamehameha Schools, Maui Campus

Teacher Mr. Robert Siarot representing student finalists in the Short and Public Service Announcement Categories.

Kalani High School

Teacher Mr. Norman Chock representing student finalists in the Short and Public Service Announcement Categories.

Noelani Elementary School

Teacher Mr. Glenn Fernandez representing student finalists in the Mini Documentary Category.

Kamehameha Schools

Teachers Ms. Patricia Gillespie and Mr. Jay Metzger representing student finalists in the Mini Documentary Category.

The motion was put to vote by the Chair and carried, and H.R. No. 222 was adopted with Representatives Herkes, Nakasone and Takamine being excused.

At 12:30 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1032) recommending that S.B. No. 951, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 951, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1033) recommending that S.B. No. 1586, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1586, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COUNTY BOARD OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1034) recommending that S.B. No. 1903, SD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1903, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," passed Second Reading and was referred to the Committee on Energy & Environmental Protection with

Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1035) recommending that S.B. No. 1698, SD 2, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1698, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY GROWTH," passed Second Reading and was referred to the Committee on Education with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1036) recommending that S.B. No. 1695, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1695, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1037) recommending that S.B. No. 1696, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1696, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1038) recommending that S.B. No. 719, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 719, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1039) recommending that S.B. No. 744, SD 2, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 744, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS

REGISTRATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1040) recommending that S.B. No. 1380, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1380, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS BILL OF RIGHTS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1041) recommending that S.B. No. 933, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 933, SD 1, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, with brief comments. I have reservations on this measure. Mr. Speaker, you know, workers on the job are already paid these wages. This is trying to require that other workers, of unknown classes, who do not perform on the jobsite, to be included in DLIR's wage rate schedule. And any worker who provides work on the jobsite will have to be paid the prevailing wage also, even if he or she is an independent contractor and not officially employed on the job site. It's going to be very, very difficult to do this, Mr. Speaker. Thank you"

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This measure will create a great deal of added cost to every job. Right now there are helpers, tenders, assistants that are not paid the prevailing wages. For instance, carpenters. A carpenter's apprentice is paid \$8, whereas a union carpenter is being paid somewhere in the neighborhood of \$35. This particular bill could add tremendous cost to every single project that the State and the counties get involved in. And I think we have a responsibility to the taxpayers of this State to try to keep things within some reasonable measure. Thank you."

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

"Mr. Speaker, I am in opposition to this measure for the aforementioned reasons by the Floor Leader and Kapolei Representative. Although, the one non-union contractor said, it's not so much the high wages of Davis-Bacon that he objects to. They actually pay very high rates to their construction workers. It's more the regulations that come with this particular law that are onerous and confining.

"This is a real departure from the Federal Davis-Bacon Law. The State Little Davis-Bacon Law will go far afield and we will have to cover people off the jobsite, as mentioned by the Floor Leader, the Minority Floor Leader. It makes it very difficult to administer.

"This bill refers to everyone on the public works project. And it adds the word 'project' to it. This bill, if in conjunction with other bills that are pending before this Legislature this Session, will really add a lot more projects to the works that are covered by this Little Davis-Bacon Act. It may go in to a lot of private projects that have State leases or other connections to the State via tax credits and other tax benefits. So, it could significantly change the Little Davis-Bacon Act. We will be very different from the federal law and I think that we should weigh this very carefully before we proceed. Thank you."

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

"Thank you, Mr. Speaker. A no vote and I'd like to make reference to the previous speaker's comments. Thank you."

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

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

"A no vote for the reasons given."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 933, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Stonebraker and Thielen voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1042) recommending that S.B. No. 639, SD 2, pass Second Reading and be referred to the Committee on Housing.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 639, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Housing with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1043) recommending that S.B. No. 1814, SD 2, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Housing.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1814, SD 2, pass

Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Housing, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on 1043. Mr. Speaker, I have some concerns on this measure. This is relating to impact fees and I know the DOE would like impact fees to build schools, but I'm concerned that right now that the developers give land for the schools. If now we're going to say that they give us money for the schools, somehow, you know they're not going to be able to do both, I think. We already require some developers to give us impact fees for roads. Thank you, Mr. Speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1814, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Housing with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Herkes and Caldwell, for the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1044) recommending that S.B. No. 717, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 717, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Herkes and Caldwell, for the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1045) recommending that S.B. No. 1702, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1702, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1046) recommending that S.B. No. 769, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 769, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1047) recommending that S.B. No. 959, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 959, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford 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 S.B. No. 959, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1048) recommending that S.B. No. 1345, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1345, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1049) recommending that S.B. No. 1802, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1802, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1050) recommending that S.B. No. 117, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 117, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Yes, Mr. Speaker, thank you. I'm rising with reservations. I support this bill because it was the first time that I've seen us talk about affordable housing and actually meet with the developers, who were possibly willing to build the homes. And

I loved the conversation where they talked about the percentages that they could afford in terms of building affordable homes in exchange for some other lands that would build other types of homes. I look forward to further discussions with a lot more developers, not just this one.

"The other reservation I had was that this is a special interest bill that would change certain State laws relating to affordable housing just for one area in Maui and not the whole State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1051) recommending that S.B. No. 625, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 625, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION ACCESS ORGANIZATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1052) recommending that S.B. No. 1232, SD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1232, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI AIDS FOUNDATION," passed Second Reading and was referred to the Committee on Health with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1053) recommending that S.B. No. 1453, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1453, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1054) recommending that S.B. No. 788, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 788, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

VOLUNTARY RESPONSE PROGRAM," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Herkes and Kanoho, for the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1055) recommending that S.B. No. 1592, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Housing.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1592, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Second Reading and was referred to the Committee on Housing with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1056) recommending that S.B. No. 763, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 763, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTERNAL REVIEW PANELS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Arakaki and Herkes, for the Committee on Health and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1057) recommending that S.B. No. 736, SD 1, pass Second Reading and be referred jointly to the Committee on Education and the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 736, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred jointly to the Committee on Education and the Committee on Higher Education with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1058) recommending that S.B. No. 1362, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1362, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to the Committee on Transportation with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1059) recommending that S.B. No. 1554, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1554, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Higher Education with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1060) recommending that S.B. No. 620, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 620, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1061) recommending that S.B. No. 128, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 128, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I have reservations on 1061. The Department of Health and the Department of Public Safety were both opposed to this for various reasons. If we have a person using a controlled substance, in this case it's marijuana. It needs to be tracked by somebody and the Department of Health is just not equipped to track that. The Department of Public Safety and the HPD have a database where they can track it. Thank you."

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

"I have reservations as well on this measure, Mr. Speaker. For the edification of you and the Members, the bill was amended drastically by the Chair of Public Safety, and I think for the better. The original purpose was to move the administration of any medical marijuana out from the Law Enforcement Branch over to the Department of Health.

"The Department of Health can't do that. They said they can't do it. The law enforcement community is opposed to it as well. But the amended version increases the amount of marijuana that people can possess, the number of plants, the number of ounces and so forth. Just to put a flag on that for the members for the next reading. Thanks."

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

Representative Moses rose to respond, stating:

"And I might clarify, Mr. Speaker. I don't have the same problems with the amended version as I did with the original. I'm just pointing that out that it can always get back to the



original version. And that's what I want to point out that those Departments really don't want it. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 128, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1062) recommending that S.B. No. 1065, SD 2, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1065, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," passed Second Reading and was referred to the Committee on Higher Education with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1063) recommending that S.B. No. 671, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 671, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1064) recommending that S.B. No. 1451, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1451, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," passed Second Reading and was referred to the Committee on Higher Education with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1065) recommending that S.B. No. 1793, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1793, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to cast a no vote on that. Yes, and Mr. Speaker, my no vote is not on the tax relief that the bill provides. What it's on is the amendment that was made in Water Land. And that amendment would repeal the Land Reform Act in 2006. And for reasons that I've stated in previous sessions, I believe that's a bad policy decision. Thank you."

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

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

"Reservations. This started out as a good bill as it came over from the Senate, and it's got a gigantic poisoned pill in it now. The repeal of the Land Reform Act, a historic piece of legislation really was praised by Governor Ariyoshi. He had a lot to do with it and it's a real tribute to the Democratic revolution of the '50s and '60s."

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

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

"Thank you, Mr. Speaker, with reservations. I have similar concerns, as the Minority Leader. I oppose the repeal of the Land Reform Act but I think the other part of it is excellent and so I'll go with reservations."

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

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 Committees was adopted and S.B. No. 1793, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Thielen voting no, and, with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1066) recommending that S.B. No. 1557, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1557, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1067) recommending that S.B. No. 1002, SD 2, as amended in HD 1, pass Second

Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1002, SD 2, HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition of the measure, stating:

"Thank you, Mr. Speaker, in opposition. As I pointed out earlier, the Memorandum of Agreement is much broader than any law we could pass. The Coast Guard patrols outside of the three miles; we can take this out to three miles and no further. Thank you."

Representative Fox rose to speak in opposition of the measure, stating:

"In opposition. I'd like the words of the previous speaker. Also, we have to be very careful because federal laws are so dominant in this area. The Memorandum of Understanding gets around the problem of federal law. In Committee we actually had discussions with the cruise liners in which they acknowledged that it would be possible to pay penalties within the context of a Memorandum of Understanding. We've done such a good job with the Memorandum of Understanding. And they're willing to move forward in that area. I do not understand why we're moving a bill at this time. Thank you.

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

"Mr. Speaker, I rise in support with some reservations. My reservations are that I don't actually think this is quite strong enough, but I have to rise in support because I think somebody needs to point out that the Memorandum of Understanding is not enforceable. It's not a contract; it's not a law; it's not a regulation. It's an agreement; it's like a note.

"And to prove that, on the West Coast when the Cruise Ship Association violated the terms of their Memorandum of Understanding, they actually took it to court on the basis that the Memorandum of Understanding was not an enforceable document.

"The MOA, if it were enforceable, would be a brilliantly written document because it doesn't actually transverse federal and State jurisdiction, and it would be brilliant if there were penalties or if there were any provisions for us to find out whether or not that people were abiding by it. But, all it is, is a note saying we promise not to pollute.

"Now, I do believe Norwegian Cruise Lines and the rest of the cruise ship industry is acting in the good faith in the State of Hawaii. But good faith is not enough when you're talking about protecting our near-shore waters. We need a law. California has a law. Alaska has a law. Oregon has a law. It's totally unreasonable to me that we would depend upon good faith when we're talking about protecting our ocean. Thank you."

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

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 S.B. No. 1002, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," passed Second Reading and was referred jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources with Representatives Fox, Meyer and Moses voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1068) recommending that S.B. No. 904, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 904, SD 1, HD 1, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I vote with reservations on 1068. And the only reason I didn't vote against it was that the Chairman of the Committee has agreed to take this out to public hearing around the island. So, I have serious reservations about it, but I'm going to be very happy to find out what happens when he takes it out."

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 S.B. No. 904, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1069) recommending that S.B. No. 1256, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1070) recommending that S.B. No. 1257, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that S.B. No. 1256 and S.B. No. 1257, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, I'm in opposition to these two bills, 1069 and 1070. It sets up a process of selecting the Board of Regents that is a sharp departure from what's done in most of the rest of the country. Most of the rest of the country does what we do right now. The Governor appoints the Regents. Only four states have this committee system style of pre-screening people.

"I think the Board of Regents did a fantastic job in getting rid of Dobelle. They deserve our highest compliments for having done that. This is a strange time to step up and say that we ought to do things differently. I think the Vice-Speaker, whatever he says, shares that sentiment. And I would also like to say that I hope nobody introduces the idea of 'let the people choose', who last year refused to allow the people to choose. Thank you, Mr. Speaker."

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

"Mr. Chairman, I will vote with reservations on 1069, mostly because I believe we should have an elected Board of Regents like we have an elected, non-partisan Board of Education. Thank you."

Representative Moses rose in opposition to both measures and asked that the remarks of Representative Fox be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, reservations for the same reasons as the Minority Leader."

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

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

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

"Mr. Speaker, strong support. I think this is a good step in the right direction to try to get politics out of the Board of Regents system that we've had to live with. And I can't believe that for one minute, anyone would say that the way we got rid of the previous President of the University of Hawaii was done in a professional, fantastic job type of way. Mr. Speaker, it was a total embarrassment for the people of our State. We ended up; we basically fired the President of the University of Hawaii, then hired him back and paid him almost \$2 million of our taxpayer dollars. I don't call that a fantastic job in any way, Mr. Speaker. What it did do is it ended up hurting the reputation of our State in the broader community and it hurt the children who go to the University system.

"These two bills deal with that problem by trying to take some of the politics out of that so we'd never again repeat the embarrassment that we suffered recently. Thank you."

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

"Thank you, Mr. Speaker. In support. I wasn't going to go there, but I just wanted to say that the Candidate Advisory Council will be tasked with the responsibility of recruiting, interviewing, screening, then recommending to the Governor a list of qualified candidates for selection. The Candidate Advisory Council will help to achieve our goal of having one of the best systems of higher education in the world. It is vitally important that these members be selected based on merit, sound judgment and proven leadership. I think it will enhance the system; it won't hurt it. And it's not a political thing. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker, about the cost of getting rid of President Dobelle, I think we have to look at the contract that was drafted for him. It was such a one-way contract, making it very difficult to eliminate him from that job without a tremendous cost. And I think that the Regents said it was bipartisan; there were Regents of both parties. And the cost, the blame for that cost, is with the last Administration who helped draft that contract. Thank you."

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

"In support. I just want to make one point. This is really not about the ouster of Evan Dobelle. This is about the problem that we've experienced over the last three or four Administrations at least. I don't know how far back this problem goes. It's true that only four other states have this model, but it's also true that the State of Hawaii has an extraordinary politicized university system.

"And the Board of Regents, to the Minority Floor Leader's point, everybody knows which Regents are Democrats, and which Regents are Republicans, and that's the problem. The problem is that the governance of the University shouldn't be a partisan issue. Republican or Democrat. This is not about Dobelle. This is about making sure that our University on a going forward basis, is governed by people who are interested in the welfare of the University, and are not doing the bidding of one political party or the other. Again, this is not about current Regents or past Regents.

"This is just making sure that, people, if Dobelle was supposed to get fired, fine. But, everybody knows that the general public went around and thought to themselves, 'huh, I wonder if there were politics involved.' And that is damaging to the University. Whether or not it was a political decision, I suppose we'll never know. But, it damages the University's reputation that people are even suspicious of that fact. If we establish a new process that de-politicizes the selection of the regents, if a University professor or a University president needs to get fired, no one will question on what basis that decision was made. Thank you."

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

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker, briefly. I would not favor the politicization of the Board. It's just that I want to submit two points. Number one, the Board of Regents I think did an excellent job in selecting David McClain as interim President of the University of Hawaii and we are moving forward under David McClain.

"And second, I just have to say that for 40 years it seemed to be alright to have Hawaii be the same as 46 other states where a

partisan Governor selected a Board of Regents and now, all of a sudden, it's not okay. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in strong support of the Standing Committee Report 1070. Just to give the Members a better idea perhaps of what we're talking about. The University has the responsibility of campuses throughout the State. A good example is, their necessity to enforce activities at Mauna Kea. This bill would help resolve much of the problems that now exist there, because there are visitors who transcend that mountain and abuse it. Although the University, through their Office of Mauna Kea Management, does have two rangers, they have absolutely no authority to even evict anybody who is doing wrong, and no ability to cite. So this is one of the measures that we look at in trying to resolve the resolution at Mauna Kea summit. Thank you."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and S.B. No. 1256, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Meyer and Moses voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused; and

S.B. No. 1257, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Meyer and Moses voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1071) recommending that S.B. No. 1772, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1772, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1072) recommending that S.B. No. 1236, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1236, SD 2, HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

"Thank you very much. A brief comment in support. I'm a little concerned that this bill may not see the light of day

hereafter, and I just wanted to say simply that the higher the prices on cigarettes, the more difficult it is to buy them. And there's been a lot of good evidence that fewer people smoke, especially young people. So I hope the Legislature will have the courage to go forward. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. With that being said, since it may not be back here I'd like to vote no against it now on the Floor. I think there's a problem with addiction in the State here. And it's not only with smoking, it's with the government. The government cannot stop taking people's money. We've said that we wouldn't vote for any tax increase, but here is a tax increase.

"It was Thomas Huxley who said, 'logical consequences are the scarecrows of fools and the beacons of wise men'. The problem that we've encountered with the unintended consequences of taxing cigarettes so highly is a thoroughly profitable black market, Mr. Speaker. And this black market is one of the very things that's funding our enemies in the war on terror.

"The black market. The *Washington Post* reports, that smugglers with ties to terrorist groups are acquiring millions of dollars from illegal cigarette sales and funneling the cash to organizations, such as *al-Qaeda* and *Hezbollah*; that's the *Washington Post*. The *Police Chief* magazine noted, quote: 'The trafficking of cigarettes by terrorists and their sympathizers has been going on worldwide since the mid 1990's.' And the last four years have seen a sudden increase in trafficking.

"The traffic schemes provide the terrorists groups with millions of dollars annually, which fund the purchasing of firearms, explosives to use against the United States, its allies and other targets.

"The *Washington Time* reports law enforcement officials say higher cigarette higher cigarette taxes in the past ten years has spawned a cigarette smuggling racket that finances crime syndicates and terrorist groups. In other words, Mr. Speaker, the unintended consequences of taxing cigarettes at the rate we do is creating a black market that purchases the bullets that are being fired at our soldiers. And I think these are unintended consequences that we haven't foreseen and we should be very careful if we do this."

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

"Thank you, Mr. Speaker. I'd like to speak in strong support. And I know this is Second Reading; but it still has two more Committees it has to go to. It's no secret that increasing the cost of cigarettes through cigarette taxes is one of the major strategies in smoking cessation and keeping kids from smoking because they're the most price-sensitive out of all the cigarette smokers. And I think the real key to getting people to quit is not to have them start.

"So this is one of the primary strategies that we're looking at. Again, it's no secret. I think the Vice Chair and I share that passion that we'd like to see Hawaii as the first no-smoking state in the Union and maybe the world. You know, just recently there was a news article that, no longer are Internet sales of cigarettes going to be allowed. I guess if you accept the argument of the Representative from Hawaii Kai, that you're afraid of the black market, then why wouldn't we make all drugs legal? Then you know you, wouldn't have any black market. But that argument doesn't stand. If something is bad

for your health, if something is bad for society then we have to do everything we can to make sure that people don't have access to it; and that includes cigarettes. And it's going to take a while before people really start to accept it.

"I think judging from the numbers in the decreasing numbers of smokers and by the actions of governments, not only in the United States but across the world, people are starting to realize that cigarettes are poison. They're not only poison to the person smoking. It's a poison to people who share their second-hand smoke with. So, as your Health Chair, Mr. Speaker, this is something that I feel with great passion. I hope that as a policy, we continue to pursue everything we can to keep people from smoking and especially our young people from not smoking. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Before the legislative Session began, I signed a pledge not to raise taxes; so I'll be voting no on this. The tax on cigarettes previous to this bill, of course this is just a draft, went into the general fund. But this bill is going to earmark money. It's a clever way to fund things that we've normally funded with general funds. I'm not totally opposed to that, but it earmarks money for the John Burns School, \$6.5 million, and then \$2 million for the Department of Human Services for Children's Health Insurance Program which is a good thing, and then the balance will go into the Hawaii Tobacco Prevention and Control Trust Fund. So this will be a net subtraction from the general fund that the Department for Taxation is expecting to receive and I think that could have an impact on the 6-year financial plan. Thank you."

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

"Thank you, Mr. Speaker. I speak in strong support and I'd like the words of the Chairman of the Health Committee as my own. I would too, like to see this whole State become the first in the Union to be completely tobacco free. Thank you."

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

"I rise with reservations. I think what we need to take a look at is, we're talking about bad air. So what about carbon dioxide? We could tax cars, we could tax HELCO, people that are polluting our air with dioxide and maybe start taxing them. I'm just concerned that we keep focusing on cigarettes. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. I just wanted to address two things that were brought up first by the member from Hawaii Kai on the black market. Mr. Speaker, when we increase the prices, the cigarette tax to five cents a cigarette or a dollar per pack, we're very concerned about the black market.

"But in Hawaii, we have a law that prevents the black market from coming into Hawaii and taking advantage of our people. In fact, Mr. Speaker, we have a tax stamp on each pack of cigarettes sold in Hawaii now to identify those packs that have already paid the taxes, and that's important. Because there are other states that don't have that and they have bleeding. They have people going across their borders purchasing cigarettes, coming back and selling those packs.

"In Hawaii, we do not have that anymore. You go to Chinatown, or you go any place else that used to sell cigarettes that people question whether they paid the tax on those cigarette packs? No longer do we have those questions because every single pack sold in Hawaii, aside from the federal bases, have paid their taxes and the way we identify them is with the stamp.

"The only area that we believe there's still a little bit of leakage is in the Internet market. And as the Chair of the Health Committee already mentioned, that area and issue is already being cracked down on by the federal government, and they hope one day to prohibit the sales of cigarettes through the Internet.

"The other issue concerns our medical school, Mr. Speaker. A vote against this bill is a vote against the UH John A. Burns Medical School. Because I'll tell you something about this bill and why it's so important. The University a few years ago came to us asking for support to build a Medical School. They said at that time they would be able to operate the school with their own funding. Unfortunately just recently we have learned that they need about \$7.7 million a year to operate both buildings, additional general funds.

"Mr. Speaker, our commitment to the University was to build those buildings. But, I believe that unless we provide the additional resources to the University, directly to the Medical School, the Medical School will not survive and do what they said they were going to do at the beginning. The reason for this bill is to ensure that a steady source of funding from the State continues to go to the Medical School so that the Medical School can do what they said they were going to do in the first place. This bill is very important. Again, a vote against this bill is in fact, a vote against the survival of the Medical School. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I vote in favor but with some concerns, reservations. I wanted to express my deep belief in making sure that we have healthy people, healthy children, and that cigarettes do destroy the lives of many, those survivors of lung cancer. However my concern is that, let's do it the way that we're actually going to solve this problem and get to the issue. I am somewhat concerned that when we do raise the taxes, I'd like verification that there is not a black market in Hawaii. Thank you."

Representative Stonebraker rose to respond, stating:

"Just brief comments in rebuttal. Mr. Speaker, I don't smoke. I don't like smoking. As a matter of fact, I was sitting at a Starbuck's yesterday, dreading the fact that somebody next to me was smoking. But, that was the only place where my computer would pick up the wireless Internet signal. So, I was sitting there thinking, maybe I should vote in favor of this tax increase but I made a pledge not to, and I think we all did. I think those are the speeches of our Opening Day that we wouldn't raise taxes.

"The black market issue is just one issue. It's not the primary issue; it's not a 'red herring'; it's not something in bringing up. But, if I may quote Michael Garcia of the Department of Homeland Security, in April 2001, he is in charge of the U.S. Immigration and Customs Enforcement. He said, 'cigarette smuggling is pumping incredible profits into criminal organizations.' The number of their investigations has increased about 300% since April of 2001. So, just in the past few years there's been an increase of up to 300%.

"The other issue, Mr. Speaker, is that if we really want to prohibit the use or the smoking of cigarettes, we can pass a law to make it illegal. This whole idea that, 'we care so much, that's why we're raising taxes', reminds me of a statement from President Reagan. He said the scariest words in the English language are, 'Hello, I'm from the government and I'm here to help.' When the government says that they're doing something for the health and benefit of the people but in the process they're gaining revenues by it, I take it with a 'grain of salt'.

"The Chairman of the Health Committee, who I respect and I understand his support for this bill, I think it's misguided though, because he did bring up the other way to attack the problem of smoking. And he said, on the basis that heavy taxation creates a black market, then we should legalize all drugs. Mr. Speaker, that really is an argument that some people hold. They believe that we should legalize all drugs and tax them for revenues. My opponent in the last election for example, believes that all drugs should be legal and we should just tax the hell out of them. Well if that was the case, then we can go in that direction. I don't support that but is the real answer to tax the drug problem? Are we going to get rid of the ice epidemic in Hawaii by legalizing it and then taxing it? Do we really believe, Mr. Speaker that we're going to solve the problem of smoking, second hand smoke, young teen smokers by taxing it? Do we really believe that? Can we pause for a moment and think for a moment that we're not just lying to ourselves in order to raise taxes and get our hands on that money?

"Mr. Speaker, we have lots of money from the tobacco settlement. We have received about \$185 million from 2000 to 2004 and we've only spent 18% of that on tobacco prevention. Of the \$185 million, we've only spent less than \$34 million on tobacco prevention. The other money goes to other places. Mr. Speaker, I think that we should be honest with ourselves. The reason that we're passing a tax increase in this House today is to get the money. It's a habit that the government cannot seem to break. Thank you."

Representative Hale rose to respond, stating:

"Just one last comment. I personally have never said that I didn't want to increase taxes. I just want that on the record. Taxes are what runs our government, pays our salary, pays this. We have to face the fact that taxes are inevitable. Thank you."

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

"Thank you, Mr. Speaker. I'll be as brief as I can. This is just a tax increase. I do support the John A. Burns School of Medicine. But, now I know why we raise taxes on the bottles. Because we want people to stop drinking water. It's ludicrous that we're going to tax the people out of smoking. Just make it illegal."

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

"Mr. Speaker and Members, I believe it's kind of disingenuous just to blame the Legislature for looking to increasing taxes to make money. I'm speaking in favor of this.

"On the national level, they provide subsidies to farmers who raise tobacco. There is nothing that comes from Congress and from the Administration to make it illegal. They also tax tobacco and they also get the benefit of the tax monies. To simply blame this Body here has been tax conscious and only looking at secrets of the money making scheme is not correct and kind of disingenuous, Mr. Speaker."

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise in support of S.B. 1236, Relating to Cigarette Tax. I personally despise smoking. My tempered support for this bill comes from the ostensible argument that higher cost cigarettes alone will lessen the rates of child smoking. The unintended consequences of a cigarette tax increase concern me. I worry that people will find a way to circumvent increases in the tax by purchasing cigarettes through black market mechanisms like the Internet or other entities that are difficult for enforcement agencies to monitor.

"Additionally, should we find our cigarette tax collection increase and become dependant on this source of revenue, it will undoubtedly compromise our desire to decrease and eventually eliminate smoking. Valuable and important programs will be fundamentally tied to the consumption of the cigarettes because the tax on the cigarette pays for the program.

"This cycle of dependency is troubling and I am so glad that this bill includes provisions that anticipate that potential problem. The funds derived from this increase in the cigarette tax directly fund smoking prevention and cessation programs. Thus, as we succeed in decreasing the amount of smokers, the subsequent decreasing revenue from the cigarette tax will not adversely affect any programs not directly funded by the cigarette tax. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1236, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE TAX," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Meyer, Moses and Stonebraker voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1073) recommending that S.B. No. 122, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 122, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1074) recommending that S.B. No. 1209, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1209, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. If I could go back to 1074? I wanted to share my no vote, as well as just say that this particular Management Council that is wanting to be put together is supposed to be for information sharing, and I'm not sure if the information that is being requested to share, to help with accessibility and costs of prescription drugs, if it's going to be able to share that because it's under a protected contract type of thing with the companies.

"Also, if it is not needed to share that particular information, the testifiers that came in front of us said that it would be too duplicative of the thing that's already in place. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1209, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Ching, Finnegan, Fox and Meyer voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1075) recommending that S.B. No. 682, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 682, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"On 1075, Mr. Speaker, in support with some reservations. I think that this bill can be fixed. Members, especially those Members who are pro-business, please take a look at this bill carefully. This will be one of the permitting bills that for businesses which will have the businessman or businesswoman, businessperson, business owner, to be jailed for five years for failing to have a valid permit. This does not give excuses for whether or not that permit has expired for one day. And the consequences of that is five years. While it is legal to sell cigarettes, I'm not sure if we should have a five year felony on our businesses who are out there, whatever size they may be. Thank you."

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

"This is on 1075, Mr. Speaker. I just want to say that I have concerns also about the way the bill has been rewritten. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 682, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the

Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1076) recommending that S.B. No. 1201, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1201, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1077) recommending that S.B. No. 1620, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1620, SD 2, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On 1077, I have a reservation because monies are coming from the 'Rainy Day Fund' in which, if they are truly an emergency than we should have that in the budget. Thank you."

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

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

"Yes, Mr. Speaker, reservations. At this stage, same point. The 'Rainy Day Fund' really means that we have a pot of money to take care of the State when it goes into bad times. And bad times are in our memory.

"Recently, we were going through some really tough times and there were several speeches on this floor in which people said look this is the time for the 'Rainy Day Fund'. And it was hard to argue with those speeches because we were in pretty tough times. I think that we got into a habit in those times of raiding the fund to help health and human services but I think we moved past that point now. It's not a rainy day anymore. Things are going well in Hawaii.

"I think we need sound fiscal discipline, we need to appropriate money for worthy causes out of the general fund and not out of the 'Rainy Day Fund'. Thank you."

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

"Thank you, Mr. Speaker, with reservations. Worthy programs, no doubt, but again, they should be out of the general fund. Appropriate the money for the programs that you think are important. I just wonder if this isn't another way to come back after the Governor after a bill like this has passed and say that, 'Well, there again she doesn't release money for needy programs because she may be reluctant also to dip in to what is supposed to be used for emergencies only.' Thank you."

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

"Thank you, Mr. Speaker. I'm rising with reservations on this. This is a habit that we've had for many years to go to the 'Rainy Day Fund' and I would just remind the Members that this is one reason that Hawaii was given a C in the national report because of the way that we manage our finances and always dipping in to the 'Rainy Day Fund'. Thank you."

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

"Thank you, Mr. Speaker. I'd like to speak in strong support. And as one of the previous speakers says, you know, the State has been suffering through some economic bad times over the past ten years. But, the fact of the matter is, you know, we've been cutting many of the health and human services programs. We've been able to retain funding for our education programs, which shows our priority. But at the sacrifice of many needs, and I don't think that anybody here can deny the fact that we have a lot more people who are homeless.

"We have a lot more children who are growing up in poverty. They don't have the support services that used to be in place. I'm just saying that maybe the sun is starting to peak out of the clouds. But the fact is, many of our citizens are still in the emergency situations and we haven't done much to really respond, especially to the poor, the sick and disabled.

"So I think we need to be able to respond. And I'm not sure if all of the funding for the programs that are being proposed in this bill, you know, should be in place at the very end but I'd like to say that we need to have this vehicle at the very end to make sure that, you know, if any emergencies do come up at least we have something to turn to. So, I'd like to ask the Members to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1620, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1078) recommending that S.B. No. 1773, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1773, SD 2, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I am voting for this bill with reservations. I'm confused. The bill sets up two categories of people in a social work category and a category called human service professional. In the definition of the social work category it says the person should possess an advanced degree including a bachelor's degree in social work. As far as I know, a bachelor's degree is not an advanced degree, so I'm somewhat confused by the language of this bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1773, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1079) recommending that S.B. No. 791, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 791, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1080) recommending that S.B. No. 1420, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1420, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I will be voting no as well. Just by title, so that the Members have a general understanding of the bill. This is Relating to Psychotropic Medication. This gives presumptive eligibility, Mr. Speaker. I think that the tone we set here as policy makers indicate to people of Hawaii what we believe are the solutions to our problems. And I think the tone of this bill says that the solutions to all problems is the pharmacy, and I do not believe that drugs are the solution to every problem, but I do believe in some cases.

"But what this does is give expansive prescriptive authority to medical providers. It also gives presumptive eligibility, which allows anybody to go in and get any kind of psychotropic drugs and be presumed eligible for it. I just think it's very broad in its definition of whose eligible and also very broad in the definition of the drugs that it covers. So I think we need to be very careful as we go down this road. Thank you."

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

"Thank you, Speaker. I have reservations on this bill. I'm actually inclined to vote no, but I'm going to wait until I get through some of the questions that I had for DHS and they supplied me with an additional, probably 100 pages or so. What had happened in our hearing is that we were able to hear from DHS and ask them questions but following that hearing we also got several visits from other people that were in support of this bill and brought up some issues that I had to take back to DHS to ask them to answer some questions. It seems right now that I feel would feel pretty comfortable about voting no with the answers that I've gotten so far, but until I get through all of



those answers, I'd like to go ahead and vote with reservations. Thank you."

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

"Thank you, Mr. Speaker. In support of the measure. And I'm not really sure if providing free access to psychotropic medication is the answer, but what we're trying to be sensitive to is that for anyone who knows about mental illness, who have to deal with people with mental illness, knows that people with mental illness are sensitive in terms of the kinds of medication that they take; the reaction and how it affects their mental state and stability. So when a patient says, you know, they need a certain type of drugs, and only a certain type of drugs, we have to make sure in order to promote stability in their situation, we need to be able to provide that and not just go according to some bureaucratic list or preferred drug list. And so that's what we're trying to be sensitive to in this measure.

"However, because the Director of Human Services brought up several concerns, what we did was to postpone the effective date and give them a chance to address some of those concerns and see if they can come up with an agreement. Maybe not free access but limited access with the ability to justify why they need a certain type of drugs. So we're giving them a year to work on that and hopefully they can come back next year with a better bill. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker, in opposition. The definition in the bill now of psychotropic medication is overly broad, Mr. Speaker. It doesn't really define what other drugs or classes of drugs could be included in the category. And the definition of an emergency is also very vague. Medicaid/QUEST right now, the Health Plans: HMSA QUEST, Kaiser QUEST, AlohaCare cover 154,000 Medicaid customers and they independently restrict the drugs that are utilized through their individual formularies.

"Now what we're saying is all of them must have this unlimited, unrestricted access to psychotropic drugs for their members. And I think we're going to get into trouble with getting federal reimbursement."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1420, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Moses, Stonebraker and Thielen voting no, and with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1081) recommending that S.B. No. 1512, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1512, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1082) recommending that S.B. No. 244, SD 2, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 244, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Second Reading and was referred to the Committee on Higher Education with Representatives Cabanilla, Chang, Herkes and Takamine being excused.

#### ADJOURNMENT

At 1:30 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, March 21, 2005. (Representatives Cabanilla, Chang, Herkes and Takamine were excused.)

## THIRTY-FOURTH DAY

Monday, March 21, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Michael Puamamo Kahikina, after which the Roll was called showing all members present with the exception of Representative Ching, who was excused.

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

## INTRODUCTIONS

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

Representative Yamashita introduced Mr. Les Takahashi and Mrs. Linda Takahashi from Pukalani, Maui.

Representative Meyer introduced Mr. Mike Oakland with the Hawaii Raceway Park.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
7	Committee on Health, then to the Committee on Finance
20	Committee on Health

## COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
845, SD2	Committee on Judiciary, then to the Committee on Finance
874	Committee on Finance
1009, SD2	Committee on Finance
1285, SD2	Committee on Judiciary
1592, SD1, HD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

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

<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
26	Committee on Consumer Protection & Commerce, then to the Committee on Finance
173	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance

INTRODUCTION OF RESOLUTION  
(FLOOR PRESENTATION)

The following resolution (H.R. No. 223) was announced by the Clerk and the following action taken:

H.R. No. 223, entitled: "HOUSE RESOLUTION CONGRATULATING WINONA OATO AS THE 2005 HAWAII STATE TEACHER OF THE YEAR, AND CYNTHIA BENNETT, GAIL ANNE POTTENGER, RENE RELACION, JUNE SHEFFIELD, TRACY TAYLOR, AND DON TSUHA AS THE 2005 HAWAII STATE DISTRICT TEACHERS OF THE YEAR," was offered by Representative Takumi.

Representative Takumi, moved that H.R. No. 223 be adopted, seconded by Representative Berg.

Representative Takumi introduced Ms. Winona Oato, 2005 Hawaii State Teacher of the Year, who was seated on the floor of the House.

Representative Berg then introduced the following 2005 Hawaii State District Teachers of the Year honorees, who were seated on the floor of the House:

Mrs. Gail Anne Pottenger, seventh grade reading teacher at Washington Middle School;  
Mr. Rene Relacion, seventh grade language arts teacher at Kapaa Middle School;  
Mr. Tracy Taylor, sixth to eighth grade social and popular dance teacher at Kapolei Middle School; and  
Mr. Don Tsuha, music teacher at Moanalua Middle School.

Representative Berg also recognized Ms. Cynthia Bennett, special education teacher at Henry Perrine Baldwin High School; and Ms. June Sheffield, math teacher at Pahoehoe High and Intermediate School, who were not present at the floor presentation.

Representative Takumi then introduced the following people seated in the gallery:

Ms. Patricia Hamamoto, Superintendent, Department of Education;  
Mr. Clayton Fujie, Deputy Superintendent, Department of Education;  
Mr. Roger Takabayashi, President, Hawaii State Teachers Association;  
Ms. Beverly Gotelli, Hawaii State Teachers Association;  
Ms. Elizabeth Wong, Teacher of the Year Coordinator; and  
Ms. Lisa Vargas, Office Manager of Representative Takai.

Ms. Oato's Guests  
Ms. Laurie Zane;

Ms. Laureen Young;  
Ms. Emily Kubota; and  
Ms. Suzanne Cummings.

Mrs. Pottenger's Guest  
Mr. Marcus Pottenger.

Mr. Tsuha's Guests  
Mrs. Shauna Tsuha;  
Ms. Erin Tsuha;  
Ms. Dawn Tsuha;  
Ms. Kyoko Tsuha; and  
Mr. Shawn Scarlet.

Mr. Taylor's Guest  
Mrs. Pam Taylor.

Mr. Relacion's Guests  
Ms. Helen Relacion; and  
Ms. Jennifer Relacion.

The motion was put to vote by the Chair and carried, and H.R. No. 223 was adopted with Representative Nakasone being excused.

At 12:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1083) recommending that S.B. No. 781, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF QUARANTINE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1084) recommending that S.B. No. 669, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 669, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1085) recommending that S.B. No. 1889, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1889, SD 1, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker, you're moving along so fast, I can't keep up with you. I'm looking at Stand. Com. Report 1085. This bill is dealing with apprentice programs. While the bill has been amended where there will have to be approval from a federal organization that approves apprentice programs, I think that's a good thing. But that could be taken out anywhere along the line. My concern is that we're taking the Director of the Department of Labor kind of out of the process. The way the bill is written, it's going to make a board that's advisory, regulatory and also not allow the Director of the Department of Labor to have any say.

"In Committee there were quite a number of people that testified in favor but all of them are connected with unions. The one person that was opposed to it was a man from the Associated Builders and Contractors. I think an apprentice program is a wonderful thing. With the construction we have going now, there's going to be more and more people that are going to be drawn to the construction industry. I think we want as broad a group participating as we can possibly have.

"It appears the way the bill was originally drawn, it still is, except that it calls for the approval of this organization at the federal level that it would pretty much shut out any private contractors from running apprentice programs. And I don't see how that benefits the general public. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. We heard testimony in the Committee that apprenticeship programs are working quite well in Hawaii. They're giving employment opportunities to rising numbers of people. We have to keep in mind that at this stage, the person is not fully ready to do the job on their own. They're working under the supervision of somebody who's trained to help them learn their skills. But when they are trained and have those skills, they earn very high wages.

"We should be interested in programs that help create as many jobs as possible and our litmus test should be, which way do we create the most jobs? And that's what this bill cuts against according to the testimony we heard; providing those opportunities. We want more opportunities, not less. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1889, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIPS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Fox voting no, and with Representative Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1086) recommending that S.B. No. 1660, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1660, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I have some reservations on this measure. Just looking at it, it seems to transfer all the Education Special Improvement funds from DAGS to DOE. That may be good because we want to transfer all the functions to DOE. But it seems to maintain the practice of funding positions from the CIP funds. And I don't think that's good at all. It manages vacation and sick leave credits, retirement benefits for positions for people and it's out of construction money, Mr. Speaker. I don't think we want to do that. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1660, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1087) recommending that S.B. No. 1457, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1457, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1088) recommending that S.B. No. 1709, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1089) recommending that S.B. No. 119, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 119, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1090), recommending that H.C.R. No. 40, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 40, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONTINUE TO CONVENE THE RESIDENTIAL SETTINGS TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Finance, with Representative Takamine being excused.

## ANNOUNCEMENTS

At 12:44 o'clock p.m., Representative Luke requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

Representative Luke, for the Committee on Judiciary requested a waiver of the 48-hour advance notice requirement to hear S.B. No. 1772, Relating to Employers, tomorrow, Tuesday, March 22, 2005 at 2:00 p.m. in Room 325, and the Chair "so ordered."

Representative Takumi, for the Committee on Education and the Committee of Labor & Public Employment requested a waiver of the 48-hour advance notice requirement to hold decision making on S.B. 1661, to be scheduled for tomorrow, Tuesday, March 22, 2005 at 8:20 a.m. in Room 309, and the Chair "so ordered."

Representative Caldwell: "Mr. Speaker, I have one minor technical amendment on a hearing notice that we posted on Friday. It's on bill S.B. 1773, SD 2, HD 1. It's going to be heard by the House Labor Committee tomorrow, at 8:30 a.m. I left off the HD 1 and just wanted to make an announcement that it is the HD 1 that came out of Health and Human Services. We will be posting a revised agenda on that bill. Thank you, Mr. Speaker."

Representative Thielen: "Thank you, Mr. Speaker. I would just like to remind those Members that haven't had a chance to bring their Easter baskets to either Representative Lee's, Morita's or my office, please do so. And with your concurrence, Mr. Speaker, we hope we're going to have them all in front of the podium Wednesday morning and then the official presentation to the women's shelter is Thursday at 9:30 a.m. right out in the entrance way to the entrance to the Capitol. So, we're hoping that the whole area is going to be filled with baskets by Wednesday. There's still time colleagues. Thank you."

## ADJOURNMENT

At 12:50 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 22, 2005. (Representative Takamine was excused.)

## THIRTY-FIFTH DAY

Tuesday, March 22, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Senior Pastor John DeMello of Eastside House of Restoration, Hana, Maui, after which the Roll was called showing all members present.

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

## INTRODUCTIONS

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

Representative Chong introduced American Cancer Society volunteer and member of his staff, Ms. Beverly Wong.

Representative Arakaki introduced members of the American Cancer Society: Ms. Jackie Young, Chief Staff Officer for Mission and former House Vice Speaker; Mr. Tom Okamura, former House Majority Leader; and Ms. Tina Clothier, Chief Staff Officer for Organization and Development; and other volunteers and advocates.

Representative Takamine introduced American Cancer Society volunteer and Student Coordinator at Honokaa High and Intermediate School, Ms. Angella Brandt, accompanied by Honokaa High School Student Body President, Jaydene Kanekoa; and Vice President, Eli Bowman.

Representative Chang introduced American Cancer Society volunteer and organizer of the Hilo Relay for Life, Mr. Richard Onishi.

Representative Morita introduced American Cancer Society volunteers, Ms. Janice Bond and Ms. Bernie Sakoda of Kauai.

Representative Green introduced American Cancer Society volunteer and his former boss at Pahala Hospital, Ms. Dawn Pung of the Big Island.

Representative Ching introduced American Cancer Society volunteers: former Executive Director, Ms. Gretchen Neal; Ms. Laila Johnson; and constituent, Ms. Hashimoto.

Representative Carroll introduced New Life Church minister and her friend, Ms. Colleen Nomura of Palolo.

Representative Meyer introduced former State Senator, Mr. Mike McCartney.

Representative M. Oshiro introduced Helping Hands Hawaii, Ready to Learn coordinator, Ms. Kalowena Komeiji.

Representative Tsuji introduced American Cancer Society volunteer, Ms. Lyn Kagawa from East Hawaii.

Representative Shimabukuro introduced the 2003 American Cancer Society's Volunteer of the Year, Ms. Flo Pell.

Representative Marumoto introduced American Cancer Society volunteer, Reverend Frank Chong.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
790, SD2	Committee on Judiciary, then to the Committee on Finance
950, SD1	Committee on Education, then to the Committee on Finance
1380, SD2, HD1	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
1734, SD2, HD1	Committee on Finance

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
100	Committee on Labor & Public Employment
125	Committee on Energy & Environmental Protection
170	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

  

<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
134	Committee on Labor & Public Employment
166	Committee on Energy & Environmental Protection
227	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representatives Hiraki and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1091) recommending that S.B. No. 743, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 743, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1092) recommending that S.B. No. 971, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 971, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Kanoho being excused.

Representatives Chang, Herkes and Hale, for the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1093) recommending that S.B. No. 1374, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1374, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1094) recommending that S.B. No. 121, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 121, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Kanoho being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1095) recommending that S.B. No. 711, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 711, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kanoho being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1096) recommending that S.B. No. 840, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 840, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was referred to

the Committee on Finance, with Representative Kanoho being excused.

Representatives Herkes and Hale, for the Committee on Economic Development & Business Concerns and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1097) recommending that S.B. No. 1792, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1792, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representatives Chang and Herkes, for the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1098) recommending that S.B. No. 1186, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1186, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1186, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1099) recommending that S.B. No. 960, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 960, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1100) recommending that S.B. No. 982, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 982, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. Mr. Speaker, this bill has to do with \$2 million for public shelters, which I think is a great thing. It's retrofitting, hurricane-proofing them, maybe increasing; I don't think it actually increases the numbers of spaces but at least the numbers of spaces that would

maybe be better in a hurricane. And that's all well and good and I think it should be done and I think it should be done from the general fund because I think that's the purpose of taxpayer's money; to make sure that we have shelters for all of the taxpayers.

"Unfortunately, Mr. Speaker, this bill takes it from the Hurricane Relief Fund. The Hurricane Relief Fund, for those of you who weren't here and don't know, was created for a special purpose. That purpose is to provide reinsurance when we have another hurricane. We will have another hurricane. When we have another hurricane it will probably be severe enough. We don't know that, but it maybe severe enough that the insurers will leave us again like they did in the past. When that happens, you cannot buy hurricane insurance. If you can't buy hurricane insurance, you can't get mortgages on your home. Well this Fund was created so when that happens again, we have enough money for reinsurance to back up the insurance companies so that they will provide hurricane insurance.

"So if you want your children put out on the street without being able to buy a home, then keep raiding money out of the Hurricane Relief Fund. Later, I think it's today, maybe tomorrow, there's another bill going through Finance that takes another million out of the Hurricane Relief Fund. There's \$3 million right there and there's probably more that I haven't seen yet. So, I urge my colleagues, don't let this go through. If you want this bill to be funded, take money from the general fund. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the same measure. And I would like the words of the speaker from Makakilo to be inserted into the Journal as if they were my own.

"Just to make one correction. This bill actually calls for an appropriation of \$2 million per year for two years, so that's \$4 million. But, that's not what this money was meant to be used for. Thank you."

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

"Mr. Speaker, a no vote also, because of the source of funding. Thank you."

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

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

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

"A no vote please, Mr. Speaker. It's the wrong source of funding. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 982, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC

SHELTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Fox, Halford, Meyer, Moses, Pine and Thielen voting no, and with Representative Kanoho being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1101) recommending that S.B. No. 1117, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1117, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1102) recommending that S.B. No. 1729, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1729, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1103) recommending that S.B. No. 738, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 738, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representative Kanoho being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1104) recommending that H.R. No. 53, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 53, entitled: "HOUSE RESOLUTION SUPPORTING THE GOVERNMENT AND THE PEOPLE OF THE REPUBLIC OF KIRIBATI IN THEIR EFFORTS TO ADDRESS WAR REPARATIONS," was adopted, with Representative Kanoho being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1105) recommending that H.C.R. No. 62, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE GOVERNMENT AND THE PEOPLE OF THE REPUBLIC OF KIRIBATI IN THEIR EFFORTS TO ADDRESS WAR REPARATIONS," was adopted, with Representative Kanoho being excused.

**SUSPENSION OF RULES**

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representative Kanoho was excused.)

Representatives Hiraki and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1106) recommending that S.B. No. 73, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

At 12:31 o'clock p.m., the Chair noted that the report of the Committee was adopted, and that S.B. No. 73, passed Third Reading.

**THIRD READING****S.B. No. 119, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 119, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS," passed Third Reading by a vote of 50 ayes, with Representative Kanoho being excused.

At 12:32 o'clock p.m., the Chair noted that S.B. No. 119, SD 1, passed Third Reading.

**ANNOUNCEMENTS**

Representative Lee: "Mr. Speaker, I'd just like to thank some of the Members for the beautiful Easter baskets they've delivered to my office, particularly the ones that came this morning from Representative Chang's office, really outstanding. But my real point is that tomorrow is the absolute deadline to have your Easter baskets either to my office, Representative Thielen's or Representative Morita's office. And we hope to deliver them on Thursday, but tomorrow we wanted to have them here on display on the floor of the House. Thank you."

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to thank all the Members who so kindly donated their HI-5 bottles to my office. We took a huge flatbed truckload over to the school in my district. The school members and their families and neighbors brought in bottles and we raised nearly \$600 in that short drive for HI-5 bottles. It's a wonderful way to do fundraisers in your local schools and I think people feel really good about donating to that. Thank you, all of you Members that helped."

Representative Schatz, for the Committee on Water, Land, & Ocean Resources and the Committee of Public Safety & Military Affairs requested a waiver of the 48-hour advance notice requirement to hold decision making on S.B. 1732, scheduled for tomorrow, Wednesday, March 23, 2005 at 8:30 a.m. in Room 309, and the Chair "so ordered."

Speaker Say: "Any further announcements? Okay, for the organizers of the Easter gift baskets, tomorrow is our deadline. For those that don't submit anything, you can mention their names on the floor. Okay? So, I'm encouraging every one of you to submit an Easter gift basket."

**ADJOURNMENT**

At 12:34 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 23, 2005. (Representative Kanoho was excused.)



## THIRTY-SIXTH DAY

Wednesday, March 23, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Josh Green, M.D., after which the Roll was called showing all members present with the exception of Representatives Hiraki, Kanoho and Takamine, who were excused.

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

## INTRODUCTIONS

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

Representative Wakai introduced students from Japan attending the English Language Institute in Tokyo. They were accompanied by Principal, Mr. Hisami Matsunami; and teacher, Ms. Eri Murofushi.

Representative Ito introduced Ms. Blanche Arakaki, a teacher at Ali'iolani Elementary School, and wife of former House Assistant Sergeant-at-Arms, Mr. Frank Arakaki.

Representative Berg introduced her legislative intern, Ms. Jennifer Harvey, a student at Kapiolani Community College, accompanied by her legislative office manager, Renee Takahashi.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

S.B.Nos.Re-referred to:

60, SD1	Committee on Consumer Protection & Commerce
717, SD1, HD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
744, SD2, HD1	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker:

H.R.Nos.Re-referred to:

102	Committee on Housing
139	Committee on Health

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

138	Committee on Housing
187	Committee on Health

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 224 and 225) were announced by the Clerk and the following action taken:

H.R. No. 224, entitled: "HOUSE RESOLUTION CONGRATULATING DR. GAIL AWAKUNI AS THE 2005 NATIONAL PRINCIPAL OF THE YEAR AND 2004 HAWAII HIGH SCHOOL PRINCIPAL OF THE YEAR; ROGER KIM AS THE 2004 HAWAII MIDDLE SCHOOL PRINCIPAL OF THE YEAR; AND EILEEN HIROTA AS THE 2004 HAWAII ELEMENTARY SCHOOL PRINCIPAL OF THE YEAR," was offered by Representative Takumi.

H.R. No. 225, entitled: "HOUSE RESOLUTION RECOGNIZING ALI'IOLANI ELEMENTARY SCHOOL, HOKULANI ELEMENTARY SCHOOL, AND KAHALA ELEMENTARY SCHOOL AS HAWAII'S NOMINEES FOR THE NATIONAL 2005 NO CHILD LEFT BEHIND-BLUE RIBBON SCHOOLS PROGRAM," was offered by Representative Takumi.

Representative Takumi, moved that H.R. Nos. 224 and 225 be adopted, seconded by Representative Berg.

Representative Berg introduced the 2004 Hawaii Elementary School Principal of the Year, Mrs. Eileen Hirota of Ewa Beach Elementary School; and the 2004 Hawaii Middle School Principal of the Year, Mr. Roger Kim of Mililani Middle School, who were seated on the floor of the House.

Representative Berg recognized the 2005 National Principal of the Year and 2004 Hawaii High School Principal of the Year, Dr. Gail Awakuni of James Campbell High School.

Representative Berg then recognized the National 2005 No Child Left Behind-Blue Ribbon Schools Program nominees: Ali'iolani Elementary School, represented by principal, Mr. Len Miyamoto; Hokulani Elementary School, represented by principal, Ms. Donna Lum; and Kahala Elementary School, represented by Student Services Coordinator, Ms. Jeanne Fujii, who were seated on the floor of the House.

Representative Takumi introduced the following people in the gallery:

Ali'iolani Elementary School

Ms. Blanche Arakaki, Ms. Trisha Kodama, Ms. Naomi Iwamoto, and Ms. Teresa Fujino.

Hokulani Elementary School

Ms. Myra Kim, Ms. Kelly Hong, Mr. Scott Powell, Mr. Noah Powell, Ms. Amanda Kimball, Ms. Naomi Oshiro, Mr. Bill Lum, Mrs. Nancy Lum, Mr. Vinnie Lee, and Mr. Vince Lee.

Kahala Elementary School

Ms. Marian Siu, Ms. Karen Saiki, Ms. Aileen Stephano, Ms. Shelly Umeda, Ms. Violet Sahara, Mr. Garyce Kitaoka, Mr. Jordan Yogi, and Mr. Shane Choi.

Mrs. Hirota's Guest  
Mr. Paul Hirota.

Mr. Kim's Guest  
Mrs. Barbara Kim;  
Mr. Thomas Gee; and  
Ms. Mia Park.

The motion was put to vote by the Chair and carried, and H.R. Nos. 224 and 225 were adopted with Representatives Nakasone and Takamine being excused.

At 12:29 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Magaoy, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1107) recommending that S.B. No. 629, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 629, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"Having access to legislative proceedings will provide an opportunity for additional community involvement in the legislative process by enabling access to legislative Floor sessions and Committee hearings when it is convenient for the public, whether it be at home, school or business. The measure will encourage public discussion of important issues and provide insight into the lawmaking process.

"Currently, only those with access to cable television are able to receive broadcasts of legislative proceedings. This technology also allows recordings of live webcasts to be archived so that users can listen to or view a file at their convenience."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 629, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1108) recommending that S.B. No. 1232, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1232, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI AIDS FOUNDATION," was referred to the Committee on Finance, with Representative Takamine being excused.

Representatives Herkes and Kanoho, for the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1109) recommending that S.B. No. 1877, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1877, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill would clarify that the Department of Business, Economic Development and Tourism would have sole jurisdiction over certain land use and State planning functions. It requires the Office of Planning to report exclusively to DBEDT and requires the Director of the Office of Planning to be nominated by the Governor and appointed with the advice and consent of the Senate.

"This is dictating that the Office of State Planning will answer only to DBEDT. But in Committee, both DBEDT, the Office of Planning and DLNR testified in opposition to the bill. The Office of Planning is a member of the State Administration team and in reality does work for many Executive departments. It must be responsive to other sister agencies. Coordination, on an on-going basis is needed to assure the members of the team are moving in concert with each other. On the basis of their testimony, with DBEDT and the Office of State Planning being against this bill, I believe that we should just hold this bill. Thank you."

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

"Thank you, Mr. Speaker. I rise also in opposition of this bill and wish to have the beginning part of my comments inserted from the statements of the Representative from Kahuku [Kahaluu].

"I'm extremely concerned about this because in light of our legislative move and our deliberateness toward recognizing the need for sustainability; environmentally, economically and educationally, this is not only counterproductive to our joint efforts with the Senate and legislatively, but it's contradictory to the intention of having the Office of Planning as a non-departmental part of our whole government planning.

"My real concern is that during testimony there were statements that were very disturbing and the statements were that the economic drivers are what determine our planning. And when we look at the nature of planning, it is not the economy that drives us, but rather the vision that we have for sustainability and the communication we need from all of our communities.

"One of the suggestions, that actually the Director of DBEDT had, was that we hold on this and take the conversations to our communities to talk about what planning is actually needed in terms of sustainability. And I will also insert further comments into the Journal. Thank you," and the Chair "so ordered."

Representative Berg's written remarks are as follows:

"I rise in opposition to this bill.

"The purpose of this measure is to give authority over the Office of Planning to the Department of Business, Economic

Development and Tourism (DBEDT), where it was originally. When the new Governor was elected to office, she transferred authority over the Office of Planning to the Department of Land and Natural Resources (DLNR), a department that is more limited in its scope, a department that has been experiencing a great deal of turmoil in terms of its mission, purpose and management. Many of us in the Legislature recognize how problematic it is to give authority over the Office of Planning to the DLNR and SB 1877 remedies that.

"At first glance, this appears to be a good move, because DBEDT is not just about the tourist industry, but it was created to provide comprehensive, long term planning for our economic, social, cultural and environmental well-being. DBEDT has jurisdiction over the tourism industry through the Hawaii Tourism Authority (HTA), but it is also a pivotal part of the movement to create and establish a statewide program for renewable energy. However, I must confess that I still have reservations over giving DBEDT sole and complete authority over an office that is supposed to be in charge of edifying the planning process for the entire State. The reason is that I believe that the goal and function of the Office of Planning must transcend the different interests operating under DBEDT, which it cannot truly do if it exists as an entity within DBEDT. In addition, DBEDT itself remains under the authority of the Governor, an office that changes with the political winds.

"The Office of Planning must be autonomous. It must be able to edify our economic, social and environmental policy decisions with a vision of self-reliance and sustainability, a vision that should not be impeded by special interests and by politics. For this reason, I must vote against this measure."

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

"Thank you, Mr. Speaker. Also in opposition. I think it's important to note that the two offices that we plan to change there, where they are located, both did not favor this bill. And so, my thoughts are that if they're the people who are working in those offices, they know best. Thank you."

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

"Thank you very much Mr. Speaker, in opposition. The right place for the Office of Planning is working with the Department of Land and Natural Resources. Planning is primarily related to land use issues. That's the way it works at the county level and that's the way it should work at the State level as well.

"It's a correct decision to essentially re-locate the working relationship of the Office of Planning to being under the Department of Land and Natural Resources. We have important resources in the State that are State-owned lands and that's where planning should be. Thank you."

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

"Thank you, Mr. Speaker, in opposition. And I can't believe that the only planning that we do is for business, or economic development, or tourism. There are other things that we have to take into consideration when we're planning. Thank you."

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

"I rise in opposition to the measure for the previous reasons stated."

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

"Thank you, Mr. Speaker. I rise in support of this measure. We have to remember the history of the Office of State Planning. The Office of State Planning was placed years ago in previous Administrations, in the Office of the Governor. And it was to have an independent role overseeing planning statewide to meet the different functional plans and mandates throughout the State. Later, after an Attorney General's Opinion, the Office was moved and administratively placed in DBEDT.

"And I believe, until the current Administration, that Office again was supposed to function independently so it could give an objective opinion in looking at statewide planning rather than be beholden to a specific mandate of a department. Thank you."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Second Reading and was referred to the Committee on Finance with Representatives Berg, Carroll, Ching, Finnegan, Fox, Hale, Halford, Meyer, Moses and Stonebraker voting no, and with Representative Takamine being excused.

Representatives Hiraki and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1110) recommending that S.B. No. 751, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 751, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1111) recommending that S.B. No. 1427, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1427, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF HIGH ENERGY EFFICIENT VEHICLES," passed Second Reading and was referred to the

Committee on Finance, with Representative Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1112) recommending that S.B. No. 1081, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1081, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POUHALA MARSH EDUCATION AND JOB TRAINING CENTER," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1113) recommending that S.B. No. 1473, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1473, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to S.B. 1473. This bill will require at least 90-day notification to the community associations and the community boards surrounding the Waimanu [Waimano] Ridge area of Oahu. I think some of the Members here that have been around a long time can remember the flap in the community when the Department of Health put youth sex offenders into some of the buildings up there at Waimanu.

"Also, the previous Governor pretty much promised the community that they would be moved. There were lots of public hearings and there were efforts by the Department of Health to move these children into a different facility, but it never did happen. So it was a pretty contentious matter. The good news is that none of these young people have gotten out, and no problems have occurred and everything seems to be running pretty well there.

"This sets up a situation where a State department would come under the Sunshine Laws. It could cause some confusion because the Sunshine Laws apply to boards, and the Department of Health is not a board. Therefore, many of the Sunshine Law requirements are incapable of being applied and don't make sense in this situation. The Department of Health in testimony before the Committee on Water, Land said they have been working hard with the Neighborhood Board there and there's good communication.

"They have their lab facilities that are very important to the State and they may have to make some improvements there. They're not unwilling to talk to the Neighborhood Board but the way the bill is drafted, it's not clear what community associations; they're not delineated. And it creates a fairly large

hoop that the Department has to go through. The Department of Health is probably the second largest Department in the State and has a lot of serious work to do and I just think that this bill is not necessary. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. First of all, I'd like to clarify that the previous speaker is, I believe, talking about Waimano Home Road and Waimano Ridge in Pearl City; and not Waimanu.

"Mr. Speaker, this bill is necessary. The members of our community have been for the past five years frustrated with the Department of Health and also with the Department of Land and Natural Resources.

"Here's what happened. In 2000, unbeknown to any of the Senators or Representatives of Pearl City, we had a briefing at the Pearl City Neighborhood Board where the Department of Health told the Neighborhood Board that they were going to be putting in a youth sex offender facility. They didn't work with the elected officials; they didn't work with the community organizations; they didn't work with the Neighborhood Boards. That's the reason why the community rose in an uproar and objected to what was happening.

"In fact, Mr. Speaker, I wanted to also correct another misstatement made by the previous speaker. There have been elopements from the facility. In fact, we just got a letter this past week, or early last week, of another elopement. There's probably been about a half dozen youth sex offenders that have left the custody of their teachers or their supervisors of the facility over the past few years. However, we've been very fortunate in Pearl City that none of them have happened at the facility, or near or around the schools in Pearl City.

"The other thing, Mr. Speaker, is the Department of Health promised the Neighborhood Board, as well as elected officials of Pearl City that in any other instance where they are planning on doing development or agreements with for-profit or non-profit entities, that they would inform both the legislators and the Neighborhood Boards. I can think of three examples in the last couple years in which we were never notified; and in fact, we were told in the newspaper.

"The most recent case came, I believe, late December when we read in the newspaper, I think it was New Year's Eve, that the Department of Health had given the green light to the University of Hawaii to build a level three lab at Waimano Home. Again, we were not informed and this was against the commitment by the Department of Health to inform the legislators and the Neighborhood Board.

"The other two situations that occurred in the last year were the relocation of the Meals On Wheels program to the facility and the location of a Very Special Arts program to the facility. Again, those two particular entities were put in there by the Department of Health without the Department of Health giving prior notice to the community, the Neighborhood Boards or the legislators.

"If they're going to continue to do what they've done in the last year while telling us in the Legislature that they have worked closely with our Neighborhood Boards and with our elected officials, I think this is what we need to do. Because we need to ensure that the Department of Health is living up to their words. And at this point I, as a Representative of that community, I'm not confident that the Department of Health will live up to that word because for the last year they've

broken it three times. So, I would urge my colleagues to support this measure. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, with reservations. I don't know if this addresses the issue or not. I didn't hear this in any of the Committees that I'm on yet. You know, we just passed some landmark legislation recently for drug rehabilitation and we said that the drug rehabilitation homes can go in any neighborhood without talking to the boards, the commissions, the community associations, no fire safety regulations. We can just place them there without talking to neighbors; anybody. So, I'm wondering if that is addressed in this measure, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I stand in support. Mr. Speaker, in response to the previous speaker, that's an apples and oranges comparison. That whole area up at Waimano Home is probably the largest undeveloped or under utilized piece of land on the island of Oahu, and it's controlled by both the Department of Health and DLNR. We're talking about thousands of acres, Mr. Speaker, not just a drug facility or a halfway home in any given neighborhood.

"The bill merely says that there ought to be a master plan for this large area of land and that the community has some perspective to add to that. I think all of us as Representatives for our individual districts always advocate for community participation in planning and development in our communities. This is all it says.

"There has been a master plan development years ago. It has never been followed. And again, this is not a criticism of the current Administration because the sex offender facility announcement, if you will, happened in the previous Administration. But there seems to be a pattern of just merely announcing developments or projects up on this site, after the fact. This bill serves to correct that. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1473, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Meyer voting no, and with Representative Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1114) recommending that S.B. No. 667, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 667, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1115) recommending that S.B. No. 898, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 898, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1116) recommending that S.B. No. 1588, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1588, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I would like to rise with reservations for Stand. Com. 1116. This is still the reservation I had when this same measure came before the House. First of all, I want to say that we have an obligation to protect our farmers. And I'm not rising in reservation of that. But my reservation has something to do with the punishment because I think the punishment is too harsh.

"For theft over \$100 it calls for felony; a class C felony. And I think, being that we don't have enough prisons, and prisons have not been proven to reform our criminals, and this is a non-violent crime, Mr. Speaker. So, I think that for a first offense, community service or a fine would be more appropriate. And a graduated form of punishment for this type of non-violent crime is what I think would be best. Thank you."

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

"Mr. Speaker, with reservations with the request that the words of the Representative from Ewa Beach be incorporated into the Journal as my own.

"In addition, Mr. Speaker, this bill can be corrected in the Judiciary. The purpose of this bill is a good one. It is to enhance punishment for agricultural theft because we need to protect our agricultural industry. However, because it differentiates between our aquaculture and agriculture, I think it's misleading because aquaculture is as important as agriculture. So, I think the two sections should be merged and punishment and the requirements for each should be the same.

"In addition, one of the biggest reservations I have particular to this bill is, it does not differentiate between cultivated agricultural lands and agricultural lands that are not cultivated. So you will also be enhancing punishment when a crime is on agricultural land; in a residential area where there is no agriculture, taking place.

"So, I think it goes too far when it says that the class C felony will be for cultivated or uncultivated agricultural lands. I think the uncultivated agricultural land should be removed from this enhanced punishment. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1588, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1117) recommending that S.B. No. 955, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 955, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. The purpose of this measure is to revitalize Hawaii's agricultural industry by appropriating funds to the Hawaii Farm Bureau.

"This Session, as we all know Members, I handed out examples of possible high-end products that Hawaii could capitalize on. There are many more; coffee, papaya, of course. But the reason I support this bill is because it continues to bring in new agricultural business to the State. That is one of the purposes.

"And it will also help Hawaii's economy, as agriculture is an important part of our economy. It will also help to procure investment for the industry to become competitive in the world marketplace, as well as implement a strategic agricultural plan to identify the fundamental problems facing the diversified agricultural industry including land, water, food safety, transportation. So for the above mentioned reasons, I strongly support this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 955, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1118) recommending that S.B. No. 1899, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1899, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1119) recommending that S.B. No. 1267, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1267, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," passed Second Reading and was referred to the Committee on Finance, with Representative Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep.

No. 1120) recommending that S.B. No. 1003, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1003, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Kanoho 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 S.B. No. 1003, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1121) recommending that H.C.R. No. 77, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 77, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO SUPPORT EXISTING FEDERALLY QUALIFIED HEALTH CENTERS AND TO IDENTIFY STATEWIDE SITES THAT WOULD BENEFIT FROM THE DEVELOPMENT OF MORE FEDERALLY QUALIFIED HEALTH CENTERS STATEWIDE," was adopted, with Representative Takamine being excused.

## INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 226) was announced by the Clerk and the following action taken:

H.R. No. 226, entitled: "HOUSE RESOLUTION COMMEMORATING THE CENTENNIAL OF MAUI COUNTY," was jointly offered by Representatives Souki, Carroll, Halford, Nakasone, Tanaka and Yamashita.

Representative Souki moved that H.R. No. 226 be adopted, seconded by Representative Nakasone.

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

"Mr. Speaker, I should say something. If the Members would take the time to read the resolution that's in front of you, I think that it can be a lot more eloquent than I can understand and I probably can say; all of good things that Maui has done in this past 100 years. Mr. Speaker, I'm speaking in favor of course. Thank you very much."

The Chair addressed Representative Souki, stating:

"Thank you. Yes, you have to. You're the sponsor and you made the motion."

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

"Mr. Speaker, in favor. This resolution has strong bipartisan support. Thank you."

The motion was put to vote by the Chair and carried, and H.R. No. 226 was adopted with Representative Takamine being excused.

#### ANNOUNCEMENTS

Representative Lee: "Mr. Speaker, you see before you the results of our campaign to collect Easter baskets and toilet articles for the Institute for Human Services. And I'd just like to thank the Members, and all the support agencies, and the many people who took their time to create these beautiful baskets. They will be much appreciated.

"And if you'd like to join us, all of you, for the press conference tomorrow morning at 9:30 a.m. at the entrance to the State Capitol basement. The baskets will be displayed and we will be presenting the baskets to the IHS. Again, thank you very, very much for your cooperation and help. Thank you."

Representative Thielen: "Mr. Speaker, on behalf of the House Women's Caucus, I would also like to thank the Legislative Reference Bureau. They have put together over 70 baskets, which is just an amazing, wonderful show of support for the homeless shelter."

Representative M. Oshiro: "Mr. Speaker, it gives me great pleasure to recognize one of our esteemed colleagues on her 87th birthday, Representative Heléne Hale. Thank you, Mr. Speaker."

Speaker Say: "Representative Hale, would you like to say a few words too? How does it feel being 87?"

Representative Hale: "I hope all of you will get to be 87 and be a Member of this Legislature. It's been a wonderful experience and I have enjoyed meeting all of you and working with you. Thank you very much."

#### ADJOURNMENT

At 1:01 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 6:00 o'clock p.m. tomorrow, Thursday, March 24, 2005. (Representative Takamine was excused.)

## THIRTY-SEVENTH DAY

Thursday, March 24, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 6:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Miss Teighler Gella of St. Joseph Catholic School, after which the Roll was called showing all members present with the exception of Representatives Fox and Takamine, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 392 through 393) were received and announced by the Clerk:

Sen. Com. No. 392, transmitting S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE FEASIBILITY OF AN ALTERNATE ROUTE OF INGRESS TO AND EGRESS FROM MILILANI MAUKA," which was adopted by the Senate on March 23, 2005.

Sen. Com. No. 393, transmitting S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF MAY AS MENTAL HEALTH AWARENESS MONTH," which was adopted by the Senate on March 24, 2005.

## INTRODUCTIONS

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

Representative Karamatsu introduced eight year old, Miss Teighler Gella, accompanied by her mother, Ms. Jenny Rabago; her aunt, Ms. Reena Rabago of Representative B. Oshiro's office; and Representative Karamatsu's office manager, Mr. Baron Gushiken.

Representative Berg introduced former principal of Kailua Intermediate School, Dr. Lorraine Henderson-Watson, accompanied by Dr. Henderson's husband, Mr. Frank Watson visiting from South Carolina.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

S.B.  
Nos.

680, Committee on Energy & Environmental Protection  
SD1  
698 Committee on Finance

1469, Committee on Finance  
SD1

1888, Committee on Finance  
SD1

1889, Committee on Labor & Public Employment, then to  
SD1, the Committee on Finance  
HD1

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

H.C.R.  
Nos.

Re-referred to:

91 Committee on Water, Land, & Ocean Resources  
173 Jointly to the Committee on Water, Land, & Ocean  
Resources and the Committee on Energy &  
Environmental Protection, then to the Committee on  
Finance  
193 Committee on Education, then to the Committee on  
Finance

## STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1122) recommending that S.B. No. 967, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 967, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1123) recommending that S.B. No. 1863, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1863, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1124) recommending that S.B. No. 1235, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1235, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.



Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1125) recommending that S.B. No. 1141, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1141, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Fox and Takamine being excused.

Representatives Chang and Herkes, for the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1126) recommending that S.B. No. 1304, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1304, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION AND FILM INDUSTRY DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1127) recommending that S.B. No. 702, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 702, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1128) recommending that S.B. No. 754, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 754, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1129) recommending that S.B. No. 131, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 131, SD 2, 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 Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1130) recommending that S.B. No. 1132, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1132, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1131) recommending that S.B. No. 1695, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1695, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1132) recommending that S.B. No. 1557, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1557, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1133) recommending that S.B. No. 1698, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1698, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY GROWTH," was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1134) recommending that S.B. No. 1483, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1483, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1135) recommending that S.B. No. 1745, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1745, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I have some concerns about 1135. Thank you, Mr. Speaker. This bill does not limit the tax credit to Manoa Valley residents owning homes. This is flood relief basically. But it doesn't limit it to only the residents that own homes, therefore this could be applicable to any taxpayer including businesses, employees, visitors and students in Manoa Valley whose real or personal property was damaged by the flood.

"And the bill duplicates existing tax incentives with respect to disaster relief. You can already take those. The tax credit is not limited, at least it doesn't specify, to \$2,000 per taxpayer in the aggregate for the taxable years. So it's not planned if it's \$2,000 per year or the \$2,000 over the two-year period. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1745, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF FOR MANOA FLOOD VICTIMS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1136) recommending that S.B. No. 1650, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1650, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1137) recommending that S.B. No. 1838, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1838, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1138) recommending that S.B. No. 1229, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1229, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF DENTAL HYGIENISTS," passed Second Reading and was referred to the Committee on Consumer

Protection & Commerce with Representatives Fox and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1139) recommending that S.B. No. 130, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 130, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1140) recommending that S.B. No. 1468, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1468, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1141) recommending that S.B. No. 116, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 116, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Kanoho and Ito, for the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1142) recommending that S.B. No. 1378, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1378, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR HISTORIC TRAIL," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1143) recommending that S.B. No. 212, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 212, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1144) recommending that S.B. No. 1171, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1171, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1145) recommending that S.B. No. 978, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE BROADCAST PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1146) recommending that S.B. No. 1749, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1749, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

Representative Meyer rose to speak in opposition to the bill, stating:

"Thank you, Mr. Speaker. I will be voting no on this measure. This is one of many bills that seem to have the Legislature telling the Executive branch how to operate and I don't think that this is in the best interest of the people of Hawaii."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1749, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Fox and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1147) recommending that S.B. No. 1752, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1752, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"A no vote, Mr. Speaker, and just a few comments. Thank you. Mr. Speaker, this bill proposes to place the management and control of the State Capitol building and the State Capitol grounds, including the parking facilities, under the joint management of the Legislature and the Department of Accounting and General Services.

"The Department of Accounting and General Services has managed this property as it does other State properties up until now. Now, we're going to have a Joint Committee and Mr. Speaker, it's just not going to be effective. For one thing, the designee for the Legislature, the Joint Legislative Management Committee, the Members are part-time legislators. They may have other jobs, other responsibilities back in their communities. They aren't necessarily skilled at building management, as Department of Accounting and General Services is, and I think that this is a really foolish step.

"I believe that it was tried one other time and then people became a little bit wiser and didn't pursue that. I'd like to see this measure just quietly die before Third Reading, thank you."

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1752, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine and Thielen

voting no, and with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1148) recommending that S.B. No. 1137, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1137, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1149) recommending that S.B. No. 1778, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1778, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1150) recommending that S.B. No. 1903, SD 1, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1903, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," was referred to the Committee on Consumer Protection & Commerce with Representatives Fox and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1151) recommending that S.B. No. 1114, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1114, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN ENERGY STORAGE SYSTEM TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1152) recommending that S.B. No. 1262, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1153) recommending that S.B. No. 1002, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1002, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. I think the MOU actually is working fairly well. It actually gives more direction on what the cruise lines can do at a further distance away from the islands. I think the cruise industry is very important to our economy. And you know, if it ain't broke, don't fix it. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1002, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Fox and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1154) recommending that S.B. No. 527, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 527, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1155) recommending that S.B. No. 561, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 561, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER COORDINATOR POSITION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1156) recommending that S.B. No. 562, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 562, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER SUPPORT SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1157) recommending that S.B. No. 1624, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1624, SD 1, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Moses 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."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1624, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1158) recommending that S.B. No. 613, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 613, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1159) recommending that S.B. No. 617, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 617, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETER SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1160) recommending that S.B. No. 1817, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1817, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred

to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1161) recommending that S.B. No. 1864, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1864, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1162) recommending that S.B. No. 439, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1163) recommending that S.B. No. 602, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 602, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1164) recommending that S.B. No. 673, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 673, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1165) recommending that S.B. No. 1476, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1476, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1166) recommending

that S.B. No. 433, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 433, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you. Mr. Speaker, I'd like to cast a no vote on the bill accompanying Standing Committee Report 1166. Thank you. Mr. Speaker, this measure will set up a pilot project, which will mean that in a particular district, all voters are going to have to vote by mail.

"Mr. Speaker, there's information from other jurisdictions where they've tried this that has shown that this doesn't increase the voting of those constituents in those areas that are voting by mail. What does happen is that there's a great deal of concern by a number of voters that they are subject to undue family pressure or undue pressure from other neighbors or others on how they are going to cast their vote. It doesn't remain private because the ballot is there in the house. Some of the ballots are taken actually from mailboxes and so the voter doesn't even have an opportunity to vote.

"It's not a good program because it actually takes away the ability for that voter to go to the polls. And as Americans, I believe that that's one of the fundamental rights that we have; to actually physically go to the polls if we so choose. This bill will take away that right. Thank you."

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

"Thank you. Mr. Speaker, I'd like to register my reservations and incorporate the words of the Representative from Kailua. And also, add that my concern stems from the risk of increasing voter fraud in this case and as the Representative from Kailua mentioned, the unaccountability."

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

"Thank you, Mr. Speaker, in opposition. Thank you, Mr. Speaker. If this pilot is successful, I want everybody to understand, nobody, nobody, will be allowed to walk into the polls and vote. You must vote by mail, mandatory.

"We know that we've had concerns already about thefts from our mailboxes, etc. That's happened in a lot of places. The other problem is, you vote by mail, you don't know that your vote is counted. You don't know if it is or not. You don't know what the count is. There's no way to see what the results are from your particular vote. I just think it's very, very dangerous and I know that this has been tried elsewhere and just hasn't worked. Thank you."

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

"Mr. Chairman, I speak in strong support for this. As one of those lower voter districts and a very rural district, it would certainly help my district. I have had the pleasure of having my niece and nephew from Oregon stay with me this year. They live in Oregon and the whole State votes by mail. They assure me that it has increased the voter turnout, and they're very happy with it.

"To me, voting by mail would help to solve the problem that we now face in trying to get people to the polls, trying to get them to vote. It's been a very successful program in Oregon. I know, as a member of the League of Women Voters, that they have endorsed this too. Although, since this was substituted in another bill, they aren't listed here as a proponent. So, I speak in strong support of this. I think a pilot program should lead us to a better way of casting our ballots. Thank you."

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

"With reservations. I believe this will help my district as well, Mr. Speaker. But I do have reservations about the fact that the people don't have a option to go in to the polls to vote."

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

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

"Thank you, Mr. Speaker. Just short comments, in opposition. You know, my mom and dad, they're older now and they just can't seem to get used to the fact of not writing checks; you know, handwriting checks. They don't want to do any business over the Internet or anything like that. And I'm afraid that people like my parents would not want to give up their right to go to a polling place and do their voting in a private area, instead of in front of other family members where that would be an excuse to talk about share your vote.

"And I'm not sure if that's a good idea. And I'm not sure that people like my parents would want to be forced to vote by mail. Thank you."

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

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

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I just want to point out for those who are concerned that it might be a rural area; it might be hard to vote. They already have the option to vote absentee. That option exists right now. Each and every one of us can do it. It didn't use to be that way. You used to have to have a valid reason. Now you can just do it because you want to. So, we all have the option to vote by mail.

"What I'm concerned about is, many people are relying on these stories out of Oregon and there have been several stories saying that it succeeded in Oregon. If you do thorough research, and I'm sorry that I don't have the numbers in front of me, but it has proved false. It has not worked in Oregon. Thank you."

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

"Thank you, Mr. Speaker. Very briefly in strong support. Hawaii has the notoriety of having one of the lowest voter turnouts in the Nation, and this is one way to address part of the problem with having such a low turnout. Whether it's going to work, or it's not going to work, we have to see. Whether the Oregon model is a good model, or if it should be statewide, or whatever. I think that it actually is a valid opportunity for us to take a look at this.

"We had a lengthy discussion with the City Clerk and they favored this approach. They want to try it to see if it would increase voter turnout. The other thing is the problem with voter fraud, but that's a problem that could be related to the absentee voting process all together. So, if people are concerned about voter fraud, we should just get rid of the entire absentee program. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 433, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1167) recommending that S.B. No. 427, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 427, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. We tried this bill last year. And I'm not sure if I commented last year on this, but I sold a vehicle to a young family with six children and the oldest child was eight years old. And they were starting out, a young family. She was telling me that her husband worked and she was an at home mother. When she had to take her children to the doctor, she had to travel from Waikoloa to Waimea, which was 18 miles away. She had to take her all of her kids, all six of them.

"So I really have concerns that this really doesn't address young families starting out that want to have their children safe in their cars. It just seems real impractical to me. And so we're talking about recycling the bottles and taking care of that problem. If we really want to recycle booster seats maybe we should be looking at setting up a program for that, and getting those booster seats out there to young families and low-income families. Thank you."

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

"Thank you, Mr. Speaker. I'm not sure if there are exemptions in this bill. But in some bills, there were exemptions for lack of space, which would take care of some of the smaller cars. I'm speaking with reservations. Thank you, Mr. Speaker.

"My major concern is with the weight. We passed a measure earlier and we removed the weight requirement and we just talked about height. Height is a little easier. If a police officer drives by and he looks at your car and he sees that a seat belt doesn't appear or a shoulder belt doesn't appear to be fitting right, it's kind of easy to say, 'Well I got to pull him over and talk to him.' But, he's not going to carry a scale with him and weigh anybody. He can carry a tape measure or say that he knows how high it is on his vehicle and say stand up here, so it's easy.

"And the problem is, you don't want to go by exactly the inch or exactly the ounce. You want to go by whether or not it looks safe for the child. And that would be fairly easy to do with a height requirement, but not a weight. Thank you."

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

"Thank you, Mr. Speaker. My wife and I are expecting our fourth daughter in just a month. I'm voting no, by the way. Every time we go somewhere we strap them in. Actually they're better than their parents sometimes. 'Daddy, buckle your seat belt.' And I remember because they remind me. Because of the space and because of the fact that I think parents should just be responsible on their own, I'm voting no. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 427, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans, Meyer, Pine and Stonebraker voting no, and with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1168) recommending that S.B. No. 706, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 706, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1169) recommending that S.B. No. 80, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1170) recommending that S.B. No. 74, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 74, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I'm going to cast a no vote and I would like to explain why. Thank you. Mr. Speaker, what this will do, it will allow 18 year-olds to get a commercial driver's license. At the same time we're passing this bill forward, we're passing forward a graduated driver's license that says we don't feel comfortable with 16 year-olds and 17 year-olds being allowed to drive 24 hours a day without someone else in the car.

"So, we're saying with a graduated driver's license, until you're 18, if you're driving late at night and into the early morning hours, you're going to have a family member with you in the front seat of that car. Then all of a sudden, the next day that kid turns 18 and they qualify for a commercial driver's license and can drive a huge truck. I don't think that makes sense, Mr. Speaker.

"I know that federal law requires commercial drivers to be 21 years of age. We may run afoul of some federal laws. Pardon me. It's still the Kailua flu. Excuse me. And then we may run afoul of one of the federal laws that provide funding for our highways if we all of a sudden say in Hawaii our commercial driver can be 18. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Thank you. I also am opposed to this because of, basically, maturity. I don't know how many others of you have raised children through the age of 18 to 21. I've raised three. I can see a definite difference between 18 and 21.

"The objection was raised that in the military, 18 year olds can drive flammable materials, big heavy trucks, even tanks. That's true. But I can guarantee you that by the time a person goes through the boot camp procedures, they come out more mature. And you can put them next to someone that never went through it and you can see the difference. This is not everyone, but in general. So I think that we should leave it at 21. I'll leave the rest for Third Reading."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 74, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Finnegan, Meyer, Moses and Thielen voting no, and with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1171) recommending that S.B. No. 77, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 77, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the

Committee on Judiciary with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1172) recommending that S.B. No. 609, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 609, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1173) recommending that S.B. No. 1591, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1591, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE "ROADS IN LIMBO" PROGRAM IN HAWAII COUNTY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1174) recommending that S.B. No. 873, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 873, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1175) recommending that S.B. No. 1221, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1221, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representatives Herkes and Souki, for the Committee on Economic Development & Business Concerns and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1176) recommending that S.B. No. 848, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 848, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY FOR CONCESSION CONTRACTS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No.



1177) recommending that S.B. No. 535, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 535, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, I am in opposition to Stand. Com. 1177, S.B. 535, SD 2. This is relating to sick leave. Vacation time, as we know, is negotiated, very often negotiated and so is sick leave. And we all know that sick leave is for sick days. It's humanitarian paid time for when a person cannot be at work. You generally need a doctor's note when you return. A worker is not to use sick leave to go shopping or go to the beach. But, I fear that if this bill passes, workers will be using sick days for paid time off. It may be a problem for those that use up all their sick leave if they then get sick.

"I think that this might be a real problem for management. It would be very hard for them to control when people take time off. If they say they're sick, it would be very hard to question them, it would be very hard to get a doctor's note from them because you cannot discriminate against them. So, I think this is a measure that we should think about before we pass it. Thank you very much."

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. There are a lot of problems with this bill. In the wording of it, it talks about negotiated attendance policies. That might apply to union members, but not to employees that are just working in the private sector. It also talks about discriminating against an employee who uses accrued sick leave. It says that if it is creating a new protected class it just opens the door for some employees to take advantage of their employer. You know, they just might never come to work on Mondays; don't come to work on Fridays. And if the employer tries to discipline them because that's also in the bill, that they cannot discipline them. You know, it's sort of like it just puts the employer in a terrible position and almost encourages employees to take advantage of it. And it would really be a 'hay day' for lawyers. Thank you."

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

"Thank you, Mr. Speaker. I'm going to be voting no on this. I think that we've become accustomed to the habit of taking sick days for convenience sake. My father, Mr. Speaker, who I respect greatly; he's a pastor at a church and I worked for him for a number of years. I remember one conversation that we had that brought me back to the reality of simply what is right and what is not right. Somebody, he had learned, decided they wanted to take a number of sick days when they weren't sick just for their convenience sake. And the way that it struck him was surprising to me, because it was a sense of justice and righteousness, that simply sick days weren't to be taken for convenience sake but when somebody was really sick.

"And the idea that our culture had moved to such a degree that somebody would take sick days just for convenience sake, or maybe they had a hangover, or they didn't like to get up early on Monday. I once had a staff member that didn't come in for a half day consistently every week because the night before, as it turns out, was party night; and I learned that later.

"Now this bill, what that would do, it would make any action that I took as a boss or a manager, it would all of a sudden throw me into the stigma of being discriminatory. Now when we've turned so much against the employers or those people who are trying to run a business, that's not right. And so, I was almost going to vote with reservations but I considered my father's wisdom on this, and I would encourage the members of the House to vote no, or quietly kill this bill in committee. Thank you."

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

"Mr. Speaker, I just have some short comments in opposition. In regards to the negotiated attendance policy, I hope I understand this correctly, but sometimes in some of the negotiations, it is negotiated, I forget what it's called, but the automatic penalty procedures as well. And so, that has been agreed upon on both sides. I'm not saying it's all negotiations or bargaining but it has been in some areas, so using this would be kind of like trying to cure a problem that doesn't exist in some other areas of collective bargaining. Thank you."

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

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

"Thank you, in support and if I could make some reservation observations. Mr. Speaker, this changes the rules sufficiently so it'll be necessary for business to make adjustments on how to administer and how they need to manage under these new circumstances where days off can come without notice and more days off will occur.

"I believe to implement this upon approval, which is I believe is what it's scheduled for, is disruptive. That the implementation should be far enough forward, say the beginning of next year, so that proper planning can be put in place. That services, not only is there some risk that some businesses will be disrupted, but also the community's access to the services will be disrupted because not sufficient planning has been in place to allow for the change in employment practice. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 535, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Finnegan, Marumoto, Meyer, Moses and Stonebraker voting no, and with Representatives Fox and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1178) recommending that S.B. No. 671, SD 1, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the

Committee was adopted and S.B. No. 671, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," was referred to the Committee on Finance with Representatives Fox and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1179) recommending that S.B. No. 61, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 61, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1180) recommending that S.B. No. 1052, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1052, entitled: "A BILL FOR AN ACT RELATING TO THE DEPENDENT-BENEFICIARIES OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1181) recommending that S.B. No. 55, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 55, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, you know, there's many jobs that just can't function with people taking mandatory meal breaks. And I know that there have been amendments to this bill to allow for exemptions, but let me just point out a few of the jobs. Like police officers, they may be on a call. Firemen, you know, they just can't take scheduled meal breaks. You know, firemen, they get a meal break. It's when they get back at the station after they clean up. Hopefully there's no more fires in the mean time. Bus drivers, you know, you have to send out another bus, you have to have the passengers stand on the sidewalk, I don't know what. But I know that there have been amendments to the bill to allow for some of these things.

"In the first place, meal breaks should be negotiable. Now, the exemptions say if there's an agreement that provides for the meal breaks, okay, that's good. And if employees provide a waiver opting out of a meal break in writing, that's good. And if the firm asks for an exemption, I guess that's referring to private enterprises, if they ask for an exemption from the DLIR and it's granted, that's good. So I'm just wondering who's left? I don't know of anybody that's ever complained of not getting a meal break. That's one of the major problems. I think this is a solution without a problem. Maybe somebody can show me where there have been abuses and people aren't letting their employees eat, which I think would be kind of dumb, because

then they are not very productive. But, I have not heard of a problem, so I'd just like to know where this is coming from. Thank you."

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

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

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

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

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

Representative Ching's written remarks are as follows:

"The bill does not allow for unique circumstances that in order to avoid inadequate staffing and possible imposition and hardship on other employees, the employer should determine when the employee takes that break. It appears that the intent of the bill is to establish a mandatory break for use by lactating mothers. If so, the discrimination law should be amended to achieve that purpose, not the wage and hour laws. SB55 fails to recognize many industries where working five or more straight hours is a business necessity. For example, airline pilots and crews, truck drivers and medical caregivers may have to remain on duty beyond five hours. It is unreasonable to mandate a break that will interfere with the delivery of service or safety, or to impose overtime."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 55, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer, Moses and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1182) recommending that S.B. No. 294, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 294, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This is the raising of the minimum wage. We have taken the Senate bill and amended it back to, virtually, what the House bill was. So, we're going to increase the minimum wage from \$6.25 to \$7.25 over a two-year period.

"Studies have shown clearly that the significant raises in the minimum wage hurt rather than help entry-level workers by reducing the number of jobs, increasing inflation and hurting locally owned businesses.

"Mr. Speaker, when you raise the minimum wage, employer's will be forced to either cut the pay of their long-time employees, well up to the entry-level workers, or bump everybody's wage up; rippling the minimum wage increase throughout the entire pay structure. For the smallest businesses it will mean thousands of dollars, for others, hundreds of thousands of dollars. It's the difference between a small profit and not breaking even.

"One of the more troubling aspects of this bill as it's now been amended is that we're doing nothing for the restaurant business. We know that about 50% of the minimum wage workers are in the restaurant industry. Hawaii has the lowest tip credit in the country. Well, there are a couple of states that have no tip credit whatsoever. Washington and California. Restaurants are having quite a little bit of trouble there. We have a \$0.25 tip credit when the average across the country is \$3.

"The restaurant people have been in on every hearing trying to appeal to the members to explain how disproportionate this is; how it will hit them so very hard. Restaurant workers in the front of the house, wait help, they average around \$26 to \$30 an hour. The minimum wage is just a small part of their wage. It's a pretty good paying job. You don't have to have a college degree. You're not working out in the sun for the most part. I mean, it's a good job and they're going to be hurt if we pass this bill they way it is right now. Thank you, Mr. Speaker."

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

Mr. Speaker, I rise with reservations in this measure. I realize that in business it's always the survival of the fittest; those people that those businesses can afford to pay will always be there. However, those small businesses that can hardly make it will be the one that's going to be hurt by this. That 75 cents that they have to pay more per hour may be just a small profit that they're making.

"And furthermore, it will hurt the entry-level people and the youth. We now see a lot of graffiti everywhere and I think that if we are to employ these young people or those people doing it, even though it's the minimum wage, that's now, that will keep them off of the street. So, I pray that this bill will not go through. Thank you."

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

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

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

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

"Reservations because it has no increase in the tip credit. Thank you."

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

Representative Ching's written remarks are as follows:

"Increasing the minimum wage may cause the restaurant industry to increase compensation to higher paid tipped employees all the while taking away the ability to increase wages to non-tipped employees. Mandating wage increases hurt the people they are intended to help the most, the low skilled workers. Increasing the minimum wage \$2.00 over the next three years will require the restaurant industry to actually pay \$2.33, after adding the additional taxes of FICA at 12.4%, Medicare at 2.9% and FUTA at .8%. The new wage in 2008 will be \$10.33, which will cause small businesses to cut jobs and work hours from its workforce. We should reinsert a tip credit provision into this bill."

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

"Opposition, Mr. Speaker. I would be willing to vote for this measure if it did have a significant tip credit, but there's no offset. Some of those front of the room servers, etc., in hotels and such, they make \$25 to \$30 an hour without their wages. That's a significant amount, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 294, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1183) recommending that S.B. No. 425, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 425, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, with reservations. And just short comments in regards to actuarial studies and how you work the Employee Retirement System and knowing what kind of cost that would increase for us would helpful to know before we make a decision. Thank you."

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

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

Representative Moses rose and asked that the Clerk record a no vote 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 S.B. No. 425, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No.

1184) recommending that S.B. No. 807, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 807, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1185) recommending that S.B. No. 1193, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1193, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Sorry, I'm a little slow tonight. I'm rising on Stand. Com. Report 1185. This is a bill relating to civil service law. With the Act 51, there was a requirement that the DOE establish its own personnel division, its own civil service set-up. And with this bill we're going to allow this one unit in the State to go between there to run their own civil service, or if they elect to go back to DHRD and carry their seniority; carry their position so they can go back and forth, which is really not fair. There will be no other employees in the State that will be able to do that. Thank you."

Representative Finnegan 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 a no vote for her, and the Chair "so ordered."

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

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

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

"I'm going to speak in favor. Personally, I don't think DOE is going to be able to handle it because they're still doing things by paper cardpunch. But, if they want to do this, that's another thing that they can do in the back room instead of teaching our children. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1193, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Meyer voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1186) recommending that S.B. No. 1194, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1194, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

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

Representative Finnegan rose, stating:

"Mr. Speaker, on 1186, could you change it to a no vote, please," and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1194, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1187) recommending that S.B. No. 118, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 118, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Fox, Morita and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1188) recommending that S.B. No. 568, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 568, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Fox, Morita and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1189) recommending that S.B. No. 761, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 761, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Fox, Morita and Takamine being excused.

Representatives Chang and Herkes, for the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1190) recommending that S.B. No. 541, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 541, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1191) recommending that S.B. No. 768, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 768, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1192) recommending that S.B. No. 1006, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1006, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep.

No. 1193) recommending that S.B. No. 1453, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1453, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1194) recommending that S.B. No. 756, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 756, SD 1, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. In opposition, please. And all I have to do is find all my notes now."

The Chair then stated:

"Well, you'll get another chance Representative Moses because it is being referred to the Committee on Finance."

Representative Moses continued, stating:

"Okay, but just briefly, Mr. Speaker. This is having to do with the Compliance Resolution Fund again. DCCA, you know, needs that money to be self-funding and anytime we do anything with that it hurts a lot. And that's what's happening here again. Thank you."

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

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

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

Mr. Speaker, please have the Clerk cast with reservations for me. This matter is under litigation at present, thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 756, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance with Representatives Ching, Meyer and Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1195) recommending that S.B. No. 1209, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1209, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1209, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was referred to the Committee on Finance with Representative Ching voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1196) recommending that S.B. No. 122, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 122, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," was referred to the Committee on Judiciary with Representatives Fox, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1197) recommending that S.B. No. 625, SD 1, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 625, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION ACCESS ORGANIZATIONS," was referred to the Committee on Judiciary with Representatives Fox, Morita and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1198) recommending that S.B. No. 3, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1199) recommending that S.B. No. 127, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 127, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1200) recommending that S.B. No. 639, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 639, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1201) recommending that S.B. No. 801, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 801, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Mr. Speaker, I speak in favor of 1201 and I would like to just inform the people that it's taken four years to get this project off the ground. But ground breaking took place a couple of months ago and the project will be finished. This will enable the people there to build self-help housing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 801, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-INTEREST LOANS TO DISASTER VICTIMS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1202) recommending that S.B. No. 1852, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1852, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW INCOME HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1203) recommending that S.B. No. 1854, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1854, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1204) recommending that S.B. No. 797, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 797, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the

Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1205) recommending that S.B. No. 1127, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1127, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1206) recommending that S.B. No. 895, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 895, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1207) recommending that S.B. No. 1884, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1884, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1884, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS TO SHORELINES," passed Second Reading and was referred to the Committee on Judiciary with Representative Meyer voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1208) recommending that S.B. No. 1301, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1301, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1209) recommending that S.B. No. 1891, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1891, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

"Thank you, Mr. Speaker. I don't have the bill here so I'm just going to go with reservations."

The Chair then stated:

"You'll probably catch it in Finance, Representative Meyer."

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 S.B. No. 1891, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan and Thielen voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1210) recommending that S.B. No. 1897, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1897, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Kanoho and Ito, for the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1211) recommending that S.B. No. 1732, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1732, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I remember I voted no on 1211 in Committee. And I don't have again the notes with me. I believe it was because DLIR said they're already doing it, it's in the process, it's going to be done soon. So, I'm just going to go with reservations here on the Floor and then we'll see again later what the need is. I want to do the work for Lake Wilson. I just believe it's already being done. It doesn't need this money. Thank you."

The Chair then stated:

"Representative Moses, I believe in Finance you can ask that question."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1732, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Caldwell and Takumi, for the Committee on Labor & Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 1212) recommending that S.B. No. 1250, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1250, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise with reservations on S.B. 1250, S.D. 2, H.D. 1 Relating to Public School Substitute Teachers. Although I very much sympathize with the substitute teachers and their present predicament, I am concerned about the ramifications of legislating the solution to a problem that is simultaneously being decided through the judicial system. However, I believe their claim to be substantiated and will support this bill.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1250, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Caldwell and Takumi, for the Committee on Labor & Public Employment and the Committee on Education presented a report (Stand. Com. Rep. No. 1213) recommending that S.B. No. 1636, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1636, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise with reservations on S.B. 1636, S.D. 2, H.D. 1 Relating to Teachers.

"Public education is one of the greatest hallmarks of our society and something that imparts a special legacy to every generation. As someone who attended public schools, I was a recipient of that gift. Now that I am a mother, I have come to realize that we entrust our children to teachers and the educational system daily. Teachers not only teach our children school lessons, but also lessons of life. They are the heart of the system and deserve our utmost respect, admiration, and appropriate compensation.

"I can't help but wonder, though, if it behooves the Hawaii State Legislature to pass S.B. 1636, a bill that mandates increased teacher pay by making their step movements automatic and granting them a pay increase. I am somewhat anxious about legislating automatic pay raises when the State of Hawaii has a collective bargaining system set up to negotiate salaries and benefits with the unions. I would like nothing more than to see teachers paid more. However, legislatively mandated pay raises often do not anticipate unexpected shortfalls in State revenue or unexpected expenses that the State must pay, such as natural disaster recovery, court orders, etc. Legislating a pay raise for public school teachers while concurrently engaging in collective bargaining has great potential to significantly overtax the State of Hawaii. When it comes to the collective good of everyone in our State, "bankruptcy" is not an option. We all grew up on the conventional wisdom that you can spend more money than you have. I'm afraid that S.B. 1624 might someday be an instance of that.

"Education is definitely a priority in this State. At present, nearly half of the State's budget is allocated to the Department of Education. That's \$1.8 billion spent on educating our keiki; this figure includes teacher's salaries and administrative costs. The other half of the State budget is spent on every other remaining government service. Simply put, we spend a lot of money on education in Hawaii. The Department of Education has the ability to maximize federal revenue and collects nearly \$40 million from the federal government which the DOE has yet to do. Perhaps actively going after federal monies and other sources of revenue present creative solutions to the old problem of "not enough money."

"I value our teachers. I firmly believe that our teachers of "reading, 'riting,' and 'rithmetic'" deserve our respect and responsible rewards for their invaluable contributions to society. However, I am not convinced that deviating from the traditional path of collective bargaining, which accomplished previous pay increases, is a prudent or responsible governmental action. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1636, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1214) recommending



that S.B. No. 179, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 179, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I believe this is a tax increase and I'm voting no."

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

"With reservations, Mr. Speaker. I'm very happy, as I said in previous speeches, that we are trying to deal with the housing crisis in Hawaii and especially with the homeless, which will definitely help the people in my district.

"I'm just very concerned, Mr. Speaker, that nowhere in this bill does it prohibit the Legislature from raiding funds as we have in the past, that would help the homeless and the people that need affordable housing. Because Mr. Speaker, in previous years, we have raided a total of almost a quarter of a billion dollars from funds like this. And I wonder, Mr. Speaker, visiting the homeless in my district, if they would be homeless today had we not done that.

"We have raided the Housing Project Bond Special Fund for multi-family people. We have raided the Housing Loan Program Revenue Fund. We have raided the Housing Finance Revolving Fund. We have raided the UH Faculty Housing Project Special Fund. We have raided the Housing Loan Program Revolving Fund. We have raided the Rental Assistance Revolving Fund. We have raided the Rental Housing Trust Fund. We have raided the Dwelling Unit Revolving Fund. We have raided the Housing Revolving Fund. We have raided the Housing for Elderly Revolving Fund and we have raided the Teacher Housing Revolving Fund, a fund that we just passed a moment ago to put more money into the fund.

"I'm just concerned, Mr. Speaker, about how we spend our money at the Legislature. Hopefully, this is an example of how we need to not spend our money as we continue to talk about our budget. It's my hope that a lot of the things that are currently in the budget that are not a priorities for the State of Hawaii, but are priorities for the certain legislators for their district, which I understand, Mr. Speaker. I think this is the year that we really need to tighten up our belts and really spend money on things that are important. And we won't have an emergency-housing crisis anymore, Mr. Speaker, if we do not continue to spend money the way that we have. Thank you."

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

"Thank you, Mr. Speaker. I'm going to vote no on this. I'd like to make reference to the words that were given from the Representative from Ewa Beach as well. Mr. Speaker, that's eight funds for over \$200 million in ten years. We've got a pattern here. We've done it with the Highway Fund. We do it with housing funds. We have to be fiscally prudent, Mr. Speaker, so that we don't run into emergencies like this. It's just a matter of simple math. Thank you."

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

"Reservations, for the same reasons."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 179, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1215) recommending that S.B. No. 1851, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1851, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Once again, I'm voting in opposition. You know, you've already heard about some of these raids. I think HCDCH alone has been raided \$200 million since 1995. You know, I just have problems with all these special funds and raiding of the funds. And if we want to do something, let's just fund it. Let's just say we're going to fund it and do it and not set up special funds to do it and then we raid money from the funds. Thank you."

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

"On 1215, please, with reservations. And the reservations are only that this, I believe, this is a tremendously important bill and should be funded out of the general fund and not the Emergency Fund. Thanks."

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

"Also, with reservations. I also believe that this is such an important issue, Mr. Speaker, that we should no longer take it out of the Emergency Fund because it will continue to be an emergency unless we start funding it out of the general fund and take this issue very seriously. Thank you."

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

"With reservations for those same reasons. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1851, SD 2, HD 1, entitled: "A BILL FOR AN ACT APPROPRIATING FUNDS FOR HOMELESS AND TRANSITIONAL

HOUSING PROJECTS," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1216) recommending that S.B. No. 668, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 668, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Herkes and Kahikina, for the Committee on Economic Development & Business Concerns and the Committee on Housing presented a report (Stand. Com. Rep. No. 1217) recommending that S.B. No. 1814, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1814, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I'm in opposition. I know that DOE needs money to build schools and I'm all for that. Let's just fund it. What this does is set up another trust fund, which can be raided in the future. We'll be back here in a couple years talking about it. But, I have another problem. And that is that right now, the developers are hit for impact fees for roads. And they've done that and they paid that up and that was good, especially for my district and my neighbor's district because we built the North-South Road using some of that impact fees.

"However now we're saying, okay developer you give us impact fees for roads, you give us land for schools and now you give us money for schools. And then we still tell them we want some affordable housing. They can't do it, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. No vote, please. I'm just wondering if, I know that there's a provision in here that talks about ... I apologize. In regards to these impact fees, the price of housing is getting really high. And I'm afraid that if developers are subject to more impact fees along with the giving of lands for parks and schools, that we are basically making the median price of housing go up and affordable housing is going to be, you know, very high after that. We're looking already affordable housing or median prices going from \$500,000 to \$600,000 or so. So, I'm just really concerned about how that's going to impact housing. Thank you."

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

"In support. This bill is supported by the development industry."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1814, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," was referred to the Committee on Finance with Representatives Finnegan and Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representatives Herkes and Caldwell, for the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1218) recommending that S.B. No. 935, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 935, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, sir. I am in opposition. This bill would cover entities that utilize special purpose revenue bonds such as private medical facilities, private hospitals, public utilities, private and independent schools and private industry. These entities utilize these types of bonds to save money and if we impose the little Davis-Bacon law on them, which is a departure from the federal law, then we will increase the time and perhaps increase costs as a result. So I would ask you all to think about this bill very carefully. Thank you."

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

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

"Thank you, Mr. Speaker. In opposition. I'd also like the words from the speaker from Kahala. And I'd just like to say that I believe this would substantially increase the cost of construction in the State, including affordable housing and all the other things we're trying to do to help the homeless. So you know, this is just a backward way of doing it. I'll leave the rest for Third Reading."

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 Committees was adopted and S.B. No. 935, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Marumoto, Meyer and Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1219) recommending that S.B. No. 1362, SD 1, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1362, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Souki and Waters, for the Committee on Transportation and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1220) recommending that S.B. No. 1697, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1697, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1221) recommending that S.B. No. 813, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 813, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1222) recommending that S.B. No. 1620, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1620, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

"Thank you, Mr. Speaker. With reservations because it's a raid on the Rainy Day Fund."

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

"Thank you, Mr. Speaker. Reservations. It's a raid on the Rainy Day Fund."

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

"Reservations. Same reason."

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

"Thank you, Mr. Speaker. In opposition. It is a raid on the Rainy Day Fund. There are 28 grants-in-aid included in this one bill. It's for worthy causes but this is a 'Merry Christmas' bill. I was going to suggest a renaming of it as we have done with it in another bill earlier, but I'll leave that for later too. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1620, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representatives Souki and Luke, for the Committee on Transportation and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1223) recommending that S.B. No. 76, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1224) recommending that S.B. No. 1634, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1634, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1225) recommending that S.B. No. 1394, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1394, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1226) recommending that S.B. No. 1642, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1642, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With reservations. Mr. Speaker, I believe this is negotiable. We won't have any revenue left if we give every single person in this State a tax break, although I would like mine. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1642, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1227) recommending that S.B. No. 1643, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1643, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1228) recommending that S.B. No. 1661, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1661, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1229) recommending that S.B. No. 1721, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1721, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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 S.B. No. 1721, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1230) recommending that S.B. No. 1747, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1747, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LYON ARBORETUM," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1231) recommending that S.B. No. 1648, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1648, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1232) recommending that S.B. No. 244, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 244, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1233) recommending that S.B. No. 1038, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1038, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1234) recommending that S.B. No. 1451, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1451, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1235) recommending that S.B. No. 1461, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1461, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES MANAGEMENT," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1236) recommending that S.B. No. 1474, SD 1, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1474, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1474, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAUNA KEA SCIENCE RESERVE AUTHORITY," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1237) recommending that S.B. No. 1554, SD 1, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1554, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1238) recommending that S.B. No. 1065, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1065, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1239) recommending that S.B. No. 826, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the

Committee was adopted and S.B. No. 826, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Morita and Takamine being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1240) recommending that S.B. No. 825, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 825, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1241) recommending that S.B. No. 828, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 828, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS OFFICERS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1242) recommending that S.B. No. 1190, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1190, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This is in regards to an income tax exemption for Bargaining Unit 12, which is the policemen. I'm in support with reservations. This is a big move and I do so appreciate the policemen that risk their lives for us. I'm married to a firefighter, you know. Where does it end, though? Thank you."

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

"Thank you, Mr. Speaker, with reservations. I greatly support the police officers. I think they do an outstanding job and understand that their job is different than most, maybe all. However, if they need a pay raise I think that it should be negotiable. And that's negotiable with the county, of course. We have no State police. Unless we want to start counting our Sheriffs and then we give them the same break."

"But the police officers should negotiate with the City and County and I recommend that we give them some money to do that. That money should be in the form of the unadjudicated

finer; when a police officer issues a ticket now, if you don't contest the ticket, there's no action on the State part, no courts involved, nothing. But the money is kept by the State and I think that money should go to the county and they could use it for these pay raises."

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

"Yes, Mr. Speaker, I speak in favor. I just want to make mention that as far as fines are concerned, if we would have passed the two camera bills and given the counties the authority, we would've had a lot of money to take care of the counties' needs. Thank you very much."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. It would set a really dangerous precedent. It's inequitable to provide a State income tax exemption to only a single group of public employees. On the other hand, could we afford to do this to many, many units? I don't think so."

"So as the Representative from Makakilo said, I think we need to either pour out some money to the county to help increase the wages of policemen, that's what should be done. What happens in this Legislature is things happen incrementally. I noticed this year there are a number of bills for their various groups wanting to retire at 25 years. And I remember when the first group came in and they didn't get it the first year and they just keep hammering away. And this is an example of that. If we were to pass this, when is the next group coming in? And then it's like, well, should we just get rid of the income tax? Maybe that's another we'd look at. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1190, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and, with Representatives Fox, Morita and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1243) recommending that S.B. No. 1022, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1022, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1244) recommending that S.B. No. 802, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 802, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1245) recommending that S.B. No. 556, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 556, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Fox, Morita and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1246) recommending that S.B. No. 475, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 475, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support. You know, there should be a reward for getting off welfare. And that reward is already available through administrative procedures. It's called the Reward Work program and it can be done through administrative rules. Therefore, there is no need for this bill to be passed in to law. They can do it now. Thank you."

"And just a comment, Mr. Speaker. What we're doing here is actually raising the welfare payment, which means they have no incentive or less incentive at least, to go to work, instead of the offset that they get from a Reward for Work program."

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

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

"Mr. Speaker, rise with reservations. I'm in support of this bill because this does support the need for higher payments. We are basing our payments on a 1993 federal poverty level, which I think many people, if not all people, would agree that it should be higher than that."

"The problem is, and we'll just wait and see what happens when it comes out of Finance because this is going to substantially increase the amount of money that we're spending, because it has to move throughout all the different categories at the same time, which means a lot of additional State funds. I hope that we can do that, but I just don't know how we're going to work that out. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with reservations. And like one of the other speaker's said, I think that we should be moving toward the Reward Work program, which would allow people to keep their public assistance and still work and won't be penalized for working and they will increase their monthly income that way. Thank you."

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

"Mr. Speaker, I rise with reservations to this measure. I have inquired that for a family of three, they need now to have more than \$17 an hour to work to get out of welfare. And also yes, it is true that we are using the 1993 Poverty Level. However, we have all sorts of types of incentives besides that. This talks about the cash benefits that they get. But, we also have things like the WIC program, Food Stamps and what not, attached to it. So if you're just looking at the 1993 poverty level, yes, it is low but we have all sorts of adjuncts to that. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in strong support. I'm surprised that anyone has reservations on this. I think that we should be embarrassed that it took us this long to raise the standard of need. It's been 12 years, Mr. Speaker. And we've always used the excuse of the budget, or the economy, and revenues for not raising. And in fact, we have been cutting back on benefits to the poor people of the State of Hawaii. And yet, we wonder why we have so many homeless people? Mr. Speaker, we should be embarrassed that it has taken so long.

"And Mr. Speaker, I'd like to see anyone of us try to live on less than \$900 a month for a family of three because that's what they get now. I think it's very unfair. It is very unfair especially to children because I think there's a standard we need to set for our families, even if they're poor; their parents don't have good jobs. We need to think about the children and what it means to them and what it means to live with so much low self-esteem because that's what it means.

"To be living on welfare is not a great thing. Nobody wants to be on welfare. Everybody is trying to get off of welfare. But in the meantime, whatever their situation, we need to provide a dignified way of life, at least a roof over their head and food on the table. If we can't provide that, Mr. Speaker, then I don't know what we're doing as lawmakers. So, I want to urge everybody to support this measure. Thank you."

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

"In support. Mr. Speaker, I just wanted to point out that a family on welfare if all the adult members can work, only gets 50% of the standard of need. And so, even though we're going to raise it to the current level potentially in this bill, it's still reduced dramatically.

"In terms, of the comment that it may cause a disincentive to work, Mr. Speaker, there's still a large incentive because the Department deducts a very large proportion of your earnings. There were also comments made about the cost. There is a large surplus in TANF funds, as many of us are aware, exceeding \$100 million. There's also a surplus in the General Assistance and the AABD funds. I understand that about \$3 million was returned by the Department of Human Services in those programs.

"Mr. Speaker, I also wanted to touch on that it's possible that if this bill passes, we can also help the elderly and disabled because when the standard of need is adjusted, then the spend-down amount in the Medicaid cost share is also increased and this population is the one that we've been trying to help with a lot of the prescription drug measures. And currently if you're just a few dollars over the poverty level, you have to spend down to the amount that people on welfare receive. And this creates a very unfair situation for people on Social Security,

who worked and paid taxes and end up in the end, if they have to go on the cost share program, with less than what people on SSI receive. So, this bill could go a long way to help, not only those on welfare, but also the elderly and disabled. Thank you."

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise with reservations on S.B. 475, S.D. 2, H.D. 1 Relating to Public Assistance. Initially, the Department of Human Services contemplated proposing similar legislation for public assistance. However, the Department found that increasing the monthly payment rate to welfare recipients could not be done without significantly increasing State costs.

"Furthermore, I feel that we should do more to support the Administration's initiative to increase direct cash assistance to low-income families with children using federal funds from the TANF Program. It is very important that we help those who are in need, but also make sure to help them transition into an ultimately self-sufficient lifestyle.

"As Director Koller testified, the Administration's 'Reward Work' Program, along with other targeted programs, encourage parents to reach self-sufficiency. [The Administration's] key strategies will increase cash income to families by \$200 to \$240 monthly through increased income disregards, make from \$4,800 to \$6,550 in cash bonuses available as an incentive to exit welfare within three (3) years, and increase the \$200 monthly wage subsidy after families exhaust their five (5) years on welfare assistance from two (2) years to five (5) years."

"Moving forward in a responsible manner will ensure greater accessibility to help those who need it by providing incentives to capable bodies to work and graduate from public assistance programs, preserving opportunities for those who will need help in the future. Thank you, Mr. Speaker."

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

"Mr. Speaker, thank you. In strong support. I just wanted to say that in this Session we're considering a lot of tax breaks for different groups and we're considering a lot of help to different parts of our community and society and that we shouldn't leave our most needy people behind. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1247) recommending that S.B. No. 486, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 486, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1248) recommending that S.B. No. 1780, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1780, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1249) recommending that S.B. No. 1750, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1750, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"I'd like to cast a no vote, Mr. Speaker. This is the legislative oversight for the TANF funds. It sort of invades on the autonomy on the Department of Human Services. Thank you."

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

Representative Ching's written remarks are as follows:

"In 2004, the Department of Human Services utilized more than \$16 million in new and expanded social service programs for our needy children and families by using federal TANF monies that had been available, but had never been used before in Hawaii. This bill would jeopardize the federal portion of our TANF Block Grant from our program budget. The DHS Director in 2004 has participated in more than 325 statewide community meetings, more than 500 departmental meetings, more than 104 legislative hearings and meetings as well as many more meetings with individual stakeholders, advocates and others affected by or working with DHS.

"Because we are not a year-round Legislature, the deletion of this federal money from our Department's budget will severely limit our ability to expend these funds in a flexible and timely manner to support needy families and children."

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

"No vote, Mr. Speaker. And it does sort of impede the services of the Department. It strangles them. Thank you."

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

"Thank you, Mr. Speaker. No vote, with just short comments. On section 3 of this bill, I want to make sure that people, all of the Representatives, understand that we are doing a very big mistake under section 3 where we line out HMS and it says about \$55 million and \$50 million.

"I spoke with DHS and asked them, 'What is that and what are we doing?' And they basically said, that when you line that out, they are under the impression, as well as the AG's Office, they're both under the impression, that that does not allow them to spend that money that has already been appropriated. What happens is that the needy, the people who need the money will not get the money because our DHS is the only single expending agency of TANF funds. I hope that everybody understands that because this is a very big mistake.

"Aside from the other things because a lack of time, Medicaid and TANF are two very difficult and detail oriented programs to run. You have to work with CMS and the federal government. There are a lot of rules and regulations. Any mistake that we make can cause us federal funds and can cause us penalties. I don't think that we should be going about this in this way and I hope that we can find a compromise that will allow legislative oversight and not prior authorization. Thank you."

The Chair then stated:

"For the edification of the Members, you all realize this is just another companion bill. We had a House Bill that also passed Third Reading. So, whatever comments you make this evening will be inserted in the Journal on Third Reading, if it ever comes out. This is just to keep the flow of discussion going, to keep the process going. Is that fair?"

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

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

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

"Thank you, Mr. Speaker. A no vote also, and if I could have the comments from the Representative from the Airport district inserted in the Journal as my own.

"If this is correct, Mr. Speaker, if we're taking this money away from the programs that are going to provide temporary assistance to needy families, that's a very serious matter. I would hope that the subsequent Committee would take a look at that and figure out what exactly is going on.

"The other thing that I'm concerned about, we once again are going to place the Legislature into a committee to really be involved in this whole issue during off-legislative time. Again, we don't have the expertise. It's a very complicated area and then we come in and hold hearings throughout the islands at added expense, which will take away money from the needy families. I think we need to really take a much harder look at this bill and the bill itself probably should not move forward."

The Chair then stated:

"Thank you very much for your comments. Once more, for the edification of this Body it is going to the Committee on Finance. You have four members on the Committee on Finance in the Minority Caucus that can voice these concerns. But that's the role of the Finance Committee.

At 7:22 o'clock p.m., Representative Moses requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:25 o'clock p.m.



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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1750, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE OVERSIGHT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS AND FUNDING EXPENDITURES," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1250) recommending that S.B. No. 620, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 620, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1251) recommending that S.B. No. 1256, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1256, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

"Mr. Speaker, I'm with reservations on this. I do believe that if this measure goes on the ballot, that the voters will want the Governor to retain the power to appoint University Regents. This is because the voters want accountability. If the fortunes of the University rise, then they know whom to thank; if they fall, then they know whom to blame. But, under a 'grab bag' committee, who is going to provide the direction and who will provide the leadership. Thank you."

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

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

Representative Thielen rose in support of the measure with reservations, and asked that the remarks of Representative

Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

At 7:27 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:28 o'clock p.m.

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

Representative Stonebraker rose and asked that the Clerk record a no vote 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 S.B. No. 1256, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS," was referred to the Committee on Finance with Representatives Moses and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1252) recommending that S.B. No. 128, SD 1, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 128, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 128, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was referred to the Committee on Finance with Representatives Finnegan, Meyer and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1253) recommending that S.B. No. 1257, SD 2, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1257, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

Representative Ching's written remarks are as follows:

"Although I do support the intent of this bill to provide more input from the public, my concern is that decisions made by the members of the UH Board of Regents have long term and consequential effects on the integrity and vitality of the University and its ability to serve the state of Hawaii, and as such any changes to the appointment process need careful consideration.

"When compared to other states, forty-nine states (including the District of Columbia) have statewide governance structures for higher education; only Michigan and Vermont have none. Of the forty-nine structures, the governors in 40 states appoint members and only 2 states appoint by way of the legislature. SB1257 SD2 HD1 limits the accountability and continues to show disregard in having a well-balanced advisory council that make up Hawaii's talented professionals.

"Business representation was deleted from this draft, which would've offered good input and advise to the UH system towards best interest for graduating UH Students in maximizing good-paying employment. Contrary to the bill's proposed intention, this draft further politicizes the appointment process while taking away accountability from certain advisory groups. My hope is that my concerns will be addressed in Conference Committee."

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

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

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

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

Representative Stonebraker rose and asked that the Clerk record a no vote 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 S.B. No. 1257, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Moses and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1254) recommending that S.B. No. 117, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 117, HD 2, be

referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"With reservations on 1254. This particular bill, Mr. Speaker, gives a special exception to develop a low-income housing for a particular developer for a particular community. I think it should be in the Omnibus Housing bill just to make it fair for other developments and other developers that also want to build affordable housing so that the skeptics out there won't accuse the introducers of this bill as a special interest. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 117, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1255) recommending that S.B. No. 791, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 791, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1256) recommending that S.B. No. 1586, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1586, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COUNTY BOARD OF WATER SUPPLY," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1257) recommending that S.B. No. 440, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 440, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"In opposition, Mr. Speaker. I'd just like to point out to the members that New Jersey lost their federal highway funds because of a campaign spending bill that was contrary to federal law. We ought to be very careful."

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

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

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

"Strong reservations."

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."

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

"Mr. Speaker, strong, strong reservations. Real quickly, at least for the members of the Finance Committee as they begin to review this. This will take away the capability of the individual members in raising funds and provide the power to the PACs. In the House, right now we can collect up to \$2,000 and we'll reduce it to \$250. This will greatly change the scenery and scenario of future politics. Thank you very much."

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

"Thank you, Mr. Speaker. With reservations. We're on 1257, am I correct?"

"This prohibits fundraising on State or county property. That's good. It provides a 30% cap on contributions from non-residents who are individuals and persons outside of the State. I'd be happy if this was extended to our Congressional delegates. We know that our Senators and Congressmen get the majority, from 80% to 95% of their money from outside the State. Let's include them. I'd love to see that in the next measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 440, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1258) recommending that S.B. No. 953, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 953, SD 1, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

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

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

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

"On 1258, with reservations. A brief comment. I'm for disclosure. The intention of this is excellent. I just don't believe that it can be implemented. County of Maui, for example, a layperson, via access to zoning information, is sketchy. And I don't know that a seller could reliably find out what all of the neighbor's zoning is. Maybe it would take an attorney to find it out in some cases. And that's all. I just think that it's difficult to implement. Thank you."

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

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

"Thank you, Mr. Speaker. With reservations too. Mr. Speaker, I thought this information would be easily available on the Internet. And if it's not, and if it's going to add a cost to transactions, residential transactions, then I don't think we should go ahead until the information is easily available on the Internet."

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

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

The Chair then stated:

"Any further discussion? I'm happy that the Consumer Protection Chair is here, so it's going to be referred to his Committee and I hope he gives it a public hearing where all of you on the Consumer Protection Committee will have a lively discussion on this measure."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 953, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY DISCLOSURES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Evans and Meyer voting no, and with Representatives Fox, Morita and Takamine being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1259) recommending that S.B. No. 1268, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1268, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representatives Abinsay and Herkes, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1260) recommending that S.B. No. 1879, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1879, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1261) recommending that S.B. No. 1870, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1870, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise with reservations on S.B. 1870, S.D. 1 Relating to General Excise Tax. I am uncomfortable with any increase in taxes. At a time when our State is facing a critical shortage of housing, I think it might be ill timed to levy an additional tax on those individuals who seek to build, renovate, or alter their personal residence. Such an increase in taxes may exacerbate our present housing shortage.

"Thank you, Mr. Speaker."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in opposition to this bill. SB 1870, HD 1 is aimed at owner-builders who some people feel are getting around paying a 4% excise tax if they sell the home they built within a year's time.

"Many owner-builders do carpentry, painting, prep work and landscaping. They pay 4% on all the materials they purchase, including lumber, floor coverings, roofing and cabinets. They must hire licensed plumbers and electricians and they pay the 4% on the amount charged by those contractors.

"This bill requires the owner-builder to file an information return which must be drafted by the Department of Taxation and filed with them within 30 days of the completion of the house.

"Upon the sale of that house a lien will be automatically placed on the property, in favor of the State, for the amount of the tax due.

"It is not clear if the bill means to ascribe a value to the owner's 'sweat equity' for tax purposes. It is also not clear how long the owner-builder must live there to prove he built the house for himself. Will the State place a lien on the property if the person sells 10 years down the road? Since the owner was

clearly a homeowner he should be able to reinvest the sales proceeds into a new home with no tax consequence as long as the new home cost more than the one he sold.

"The Department of Taxation, The Tax Foundation, and the City & County Department of Planning and Permitting all opposed this bill at the Housing Committee hearing. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1870, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1262) recommending that S.B. No. 1773, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1773, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"In opposition, Mr. Speaker. That's all. I'll save it for Third Reading."

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

Representative Meyer 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 S.B. No. 1773, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1263) recommending that S.B. No. 1808, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1808, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. A no vote on this, Mr. Speaker. I note with humor that you've changed the date, that the bill shall

sunset, from 2011 to 2007. I think I would save my comments to give to colleagues individually afterward."

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1808, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Fox, Morita and Takamine being excused.

Representatives Herkes and Caldwell, for the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1264) recommending that S.B. No. 962, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 962, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 962, SD 2,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Marumoto, Meyer, Moses and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1265) recommending that S.B. No. 467, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 467, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I'd like to speak briefly in favor of Stand. Com. Rep. No. 1265. This is the seventh year this bill has come before the Legislature. It's only by luck that to this date, no females have filed suit to address the poor situation that exists in our prison related to incarcerated females. So I think we should begin to address the inequity now and I'm hoping that this bill will make it through Finance at last. I have additional written comments to insert in the Journal. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. The pathways to criminality for female offenders are not the same as those for male offenders. Very often female offenders have existing problems with sexual abuse, poverty, substance abuse, single-parenthood and un- or under-employment. Yet once women and girls who are convicted of crimes reach prison, there is not enough being done to address the issues that lead them to commit crimes. Men also could use more assistance with these issues but inside the correctional facilities there is a wide array of programs for males. For females, the options are much more limited.

"This bill would help to remedy that inequity. For too long the Department of Public Safety has been failing to serve the needs of female offenders to the same extent as the needs of males. It is only by luck that to date, no females have filed suit to address the situation. Why wait for a lawsuit, Mr. Speaker? We should begin to correct the inequity now. This is the seventh year this bill has come before the Legislature. Let's make this year 'lucky seven.' I urge my colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 467, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1266) recommending that S.B. No. 708, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 708, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Second Reading and was referred to the

Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1267) recommending that S.B. No. 845, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 845, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1268) recommending that S.B. No. 1816, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1816, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1269) recommending that S.B. No. 1876, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1876, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1270) recommending that S.B. No. 682, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 682, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1271) recommending that S.B. No. 1201, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1201, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," was referred to the Committee on Finance with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1272) recommending that S.B. No. 1772, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1772, SD 1, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"I'd like a no vote on this measure. I think this will cause the Department of Human Services a lot of headache in terms of trying to keep track of where people work because sometimes people have more than one job and they often change jobs too. So it becomes a logistical nightmare. Thank you."

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

"Thank you, Mr. Speaker, with reservations. And I'm just concerned about people's privacy."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1772, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Fox, Morita and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1273) recommending that S.B. No. 1420, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1420, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, could you note my no vote and just short comments. I'm extremely sensitive to open access for psychotropic drugs and we have to really be careful in this situation. However though, after doing a lot of research and speaking with DHS, I think they were very responsible in their prior authorization procedures. I would also like to submit written comments, please," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise in opposition to S.B. 1420, S.D. 2, Relating to Psychotropic Medication. This bill unduly restricts the powers of the Department of Human Services. I believe that DHS is making the medications available with the appropriate means to monitor and oversee the dispensing this category of medicine – an oversight mechanism that may be lacking in the currently proposed legislation.

"I have taken the time to research and understand this PDL (Preferred Drug List) and PA (Prior Authorization) processes. DHS is being very responsible with their process that began with P&T (Pharmacy & Therapeutics) Committee with doctors and pharmacists involved. Thank you, Mr. Speaker."

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

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

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

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

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

"Brief comments in support, Mr. Speaker. This is a very delicate situation. I do recognize my colleagues' concerns. I just think that as we go forward, this is probably the most unstable group of individuals in our society from a medical standpoint. So the tenor of this bill is to try to make it, I guess, to optimize their care. So going forward, I hope we can find a good solution. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1420, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," was referred to the Committee on Finance with Representatives Finnegan, Meyer and Stonebraker voting no, and with Representatives Fox, Morita and Takamine being excused.

#### ANNOUNCEMENTS

Representative Thielen: "Mr. Speaker, I believe on behalf of the House Women's Caucus and the Co-Chair's of the House Women's Caucus that we would like to extend a sincere deep appreciation to all of the Members that participated in the Easter baskets for the women's shelter at IHS. It was a wonderful outpouring of help. We had Easter baskets from 'Olelo. Mr. Speaker, your office donated myriads of baskets and the Outrigger Hotels donated myriads of individual products for the women. It just goes on and on with the generosity of everyone.

"The Legislative Reference Bureau came forth with over 70 baskets. The Clerk's Office, Sergeant-at-Arms, Majority Research; you name it. Everyone was out there just doing a wonderful job. Mr. Speaker, a special thanks to you for allowing us to display them here. And to the Sergeant-at-Arms, for the crew, for bringing them all out to the entrance to the lower Chamber level. And then, we all formed a 'human chain' and we were transferring the baskets into the vehicles so they could take them back to the shelter. Thank you. It was a wonderful job. It was the best ever."

Speaker Say: "Thank you to all the women in the House this evening."

#### ADJOURNMENT

At 7:41 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, March 28, 2005. (Representatives Fox, Morita and Takamine were excused.)

## THIRTY-EIGHTH DAY

Monday, March 28, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:03 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representatives Carroll, Chang, Halford, Hiraki, Saiki, Stonebraker, Takamine, Takumi and Waters, who were excused.

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

## INTRODUCTIONS

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

Representative Takai, on behalf of Representative Arakaki and himself, introduced the winners of the 2004 HMSA Hawaii Leader for a Day Essay Contest:

Governor for the Day, Ms. Marie Pineda of Sacred Hearts Academy; accompanied by her father, Mr. Philip Pineda, and brother, Steven Pineda; and

Lt. Governor for the Day, Mr. Aaron Kamiya of Kahuku High School, accompanied by his father, Mr. Dennis Kamiya.

Representative Marumoto introduced Mr. Jim Hall, retired Chief Researcher with the House Minority Research Office and former Commissioner with the Reapportionment Commission. He was accompanied by his daughter, Ms. Sabrina Hall, who recently graduated from the University of Maryland.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following concurrent resolutions (S.C.R. Nos. 48 and 63) were referred to committee by the Speaker:

S.C.R.Nos.Referred to:

- |    |  |
|----|--|
| 48 | Committee on Transportation, then to the Committee on Finance          |
| 63 | Jointly to the Committee on Health and the Committee on Human Services |

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker:

H.R.Nos.Re-referred to:

- |     |   |
|-----|---|
| 108 | Committee on Higher Education, then to the Committee on Finance |
|-----|---|

- |     |   |
|-----|---|
| 144 | Committee on Higher Education, then to the Committee on Finance |
|-----|---|

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

- |     |   |
|-----|---|
| 117 | Committee on Health   |
| 146 | Committee on Higher Education, then to the Committee on Finance |
| 192 | Committee on Higher Education, then to the Committee on Finance |

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. Nos. 227 and 228) were announced by the Clerk and the following action taken:

H.R. No. 227, entitled: "HOUSE RESOLUTION CONGRATULATING PATRICIA A. PEDERSEN, WAIPAHU HIGH SCHOOL PRINCIPAL, ON BEING SELECTED AS THE FIRST RECIPIENT OF THE ISLAND INSURANCE FOUNDATION'S MASAYUKI TOKIOKA EXCELLENCE IN SCHOOL LEADERSHIP AWARD," was offered by Representative Karamatsu.

Representative Karamatsu, moved that H.R. No. 227 be adopted, seconded by Representative Sonson.

Representative Karamatsu introduced the first recipient of the Island Insurance Foundation's Masayuki Tokioka Excellence in School Leadership Award, Mrs. Patricia A. Pederson, who was seated on the floor of the House.

Representative Karamatsu also introduced Mrs. Pederson's husband, Mr. Ramsey Pederson; Assistant Vice President of the Island Insurance Companies, Mr. Tyler Tokioka; and Waipahu Complex Superintendent, Ms. Karen Moriyama, who were seated on the floor of the House.

Representative Karamatsu then introduced the President of Island Insurance Companies, Mr. John Schapperle, who was seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 227 was adopted with Representatives Carroll, Chang, Halford, Nakasone, Saiki, Stonebraker and Takamine being excused.

H.R. No. 228, entitled: "HOUSE RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE HAWAII CHAPTER OF THE EMPLOYER SUPPORT OF THE GUARD AND RESERVE," was jointly offered by Representatives Takai and Ito.

Representative Takai, moved that H.R. No. 228 be adopted, seconded by Representative Ito.

Representative Ito introduced Major General (Ret.) Calvin 'Kelly' Lau, State Chairman of the ESGR Hawaii who was seated on the floor of the House.

Representative Ito then recognized the following businesses for their support of the ESGR Hawaii, and introduced their representatives who were seated on the floor of the House:



## STANDING COMMITTEE REPORTS

The Hawaii Food Alliance, represented by Mr. Chad Buck; Safeguard Services, Inc., represented by Mr. Harry Matsuno; and, Servco Pacific, represented by Mr. Eric Fukunaga.

Representative Takai also recognized the University of Hawaii for their support of the ESGR Hawaii, and introduced the University's representative, Dr. Doris Ching, UH Vice President of Student Affairs.

Representative Takai then introduced the following officers of the Hawaii Army National Guard Charlie Company, 193rd Aviation Regiment (Heavy Helicopter), who were seated on the floor of the House:

Major Joseph Laurel, Commander;  
1st Sgt. John 'Sonny' Gollero; and  
Captain Christopher Kerr.

Representative Takai then recognized the members of the Hawaii Army National Guard Charlie Company, 193rd Aviation Regiment (Heavy Helicopter) who were seated in the gallery upon their recent returned to Hawaii.

At this time, Major Laurel presented to Speaker Say and the Members of the House an American Flag, accompanied by a Combat Flag Certification, which flew with Charlie Company, 193rd in a CH-47 'Chinook' helicopter during one of its missions over Baghdad.

The Combat Flag Certification stated that this United States Flag was carried on February 13, 2005 on Combat Mission 0213M, in a CH-47D Chinook helicopter, flown by Company C, 193rd Aviation, Hawaii Army National Guard, in support of the 42nd Infantry Division and Operation Iraqi Freedom III under the leadership of Major Joe Laurel, Commander, Charlie Company 193rd Aviation (Heavy Helicopter), Task Force 185 Aviation.

Representative Takai then introduced other supporters of the ESGR Hawaii who were seated in the gallery:

Major General Robert Lee, State Adjutant General; Major General (Ret.) Eugene Imai; Mr. Charlie Ota; and Mr. Thomas Smyth.

Employers Support of the Guard and Reserve: Mr. Bob Borek; and Mr. Tom Benedict.

Safeguard Services, Inc.: Ms. Mary Beaver.

Servco Pacific: Mr. Curt Lee, Ms. Sheryl DeSol; Ms. Kimberly Miyazawa, Ms. Mavel Abiton; Ms. Bernice Bowers; and Mr. Paul Lam.

University of Hawaii: Mr. Alan Yang, Associate Vice Chancellor for Students; and Ms. Sandy Matsui, Interim Dean at Honolulu Community College.

The motion was put to vote by the Chair and carried, and H.R. No. 228 was adopted with Representatives Carroll, Halford, Nakasone, Saiki and Stonebraker being excused.

At 12:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1274), recommending that H.C.R. No. 71, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ABILITY OF NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY YEARS OR MORE YEARS OF SERVICE TO RECEIVE MILITARY RETENTION PAY IMMEDIATELY UPON RETIREMENT, REGARDLESS OF AGE," was referred to the Committee on Finance with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1275), recommending that H.C.R. No. 79, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 79, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A UNIFORM STATEWIDE BUILDING CODE," was referred to the Committee on Finance with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representatives Hale and Arakaki, for the Committee on International Affairs and the Committee on Health presented a report (Stand. Com. Rep. No. 1276), recommending that H.C.R. No. 73, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was referred to the Committee on Judiciary with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1277) recommending that H.C.R. No. 82, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO SUPPORT THE CONTINUED FUNDING OF THE DEEP OCEAN ASSESSMENT AND REPORTING OF TSUNAMI BUOYS," was adopted, with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1278) recommending that H.C.R. No. 83, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the

Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE DIVISION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A REVIEW OF THE NATIONAL CONFERENCE OF INSURANCE LEGISLATORS (NCOIL) PROPERTY-CASUALTY INSURANCE MODERNIZATION ACT AS AMENDED ON NOVEMBER 21, 2003," was adopted, with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1279) recommending that S.B. No. 1680, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1680, SD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFICATIONS OF BOARD MEMBERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1280) recommending that S.B. No. 1230, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1281) recommending that S.B. No. 681, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 681, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1282) recommending that S.B. No. 615, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 615, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1283) recommending that S.B. No. 1348, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1348, SD 1, HD 1,

pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, if we can please go back to Stand. Com. No. 1283. I rise in opposition to this bill; the way it's amended. This bill basically, they gutted it. All its good intentions have been removed. The important information that a homeowner must see is the financial statement and the general ledgers, which have been removed on this bill. This bill is meant to represent the condominium owners and not the community associations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1348, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading, and was placed on the calendar for Third Reading with Representative Cabanilla voting no, and with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1284) recommending that S.B. No. 1349, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1349, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1285) recommending that S.B. No. 1798, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1286) recommending that S.B. No. 607, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1287) recommending that S.B. No. 675, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1288) recommending that S.B. No. 700, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 700, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1289) recommending that S.B. No. 1796, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1796, SD 1, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising with strong reservations on this measure. This bill is related to the disposition of convicted defendants, first time drug offenses and expungement of their records. I don't believe that this bill is necessary because at this time, first time drug offenders are eligible under current law for drug charge dismissal and removal from the record.

"There's also a provision in there that could overload the court calendars if large numbers of offenders apply for resentencing. There's no clear definition of what constitutes satisfactory record of drug treatment and drug abstinence. Also, the reduction of imprisonment terms may intrude upon the authority of the Hawaii Paroling Authority, which has the responsibility and authority for reducing prison terms. Thank you."

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

"Thank you, Mr. Speaker, and a no vote on this measure. I noticed that it was opposed by the Attorney General, the Lieutenant Governor, and the Honolulu, Kauai, and Maui Prosecuting Attorneys."

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

"Thank you, Mr. Speaker, in opposition. I'd like to point out that this is now amended. Anybody who has this arrest and sentence, well I guess it's the sentencing, prior to July 1, 2004. Mr. Speaker, what that tells me is from July 1, 2004, until now, is not a very long period of time to show that this person has been rehabilitated.

"Further, it says that any person previously granted an expungement of a first time drug offense, shall not be eligible

for another expungement under this provision. So, in other words, if they're arrested again, this expungement would be counted as a prior conviction. However, if it's expunged, how do you know that? It's no longer on the record. So, I think it's contradictory on its face. Thank you, Mr. Speaker."

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 S.B. No. 1796, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Fox and Moses voting no, and with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representatives Luke and Hiraki, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1290) recommending that S.B. No. 608, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 608, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DUTY OF PHYSICIAN, SURGEON, HOSPITAL, CLINIC, ETC., TO REPORT WOUNDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

Representatives Hiraki and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1291) recommending that S.B. No. 693, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 693, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Halford, Saiki and Stonebraker being excused.

## ADJOURNMENT

At 12:51 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Wednesday, March 30, 2005. (Representatives Carroll, Halford, Saiki and Stonebraker were excused.)

## THIRTY-NINTH DAY

**Wednesday, March 30, 2005**

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Mike Palompo of New Hope Mililani, after which the Roll was called showing all members present with the exception of Representatives Ching and Meyer, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 394 through 399) were received and announced by the Clerk:

Sen. Com. No. 394, transmitting H.B. No. 78, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES," which passed Third Reading in the Senate on March 28, 2005.

Sen. Com. No. 395, transmitting H.B. No. 291, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEE ON PESTICIDES," which passed Third Reading in the Senate on March 28, 2005.

Sen. Com. No. 396, transmitting H.B. No. 98, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHULUI HARBOR," which passed Third Reading in the Senate on March 28, 2005.

Sen. Com. No. 397, transmitting H.B. No. 125, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," which passed Third Reading in the Senate on March 28, 2005.

Sen. Com. No. 398, transmitting H.B. No. 169, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," which passed Third Reading in the Senate on March 28, 2005.

Sen. Com. No. 399, transmitting H.B. No. 515, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," which passed Third Reading in the Senate on March 28, 2005.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representative Meyer was excused.)

H.B. No. 98, H.D. 2  
H.B. No. 125, H.D. 2  
H.B. No. 169, H.D. 1  
H.B. No. 515

## INTRODUCTIONS

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

Representative Arakaki introduced members of the Massage Therapists Association of Hawaii (MATAH), President Mahana

Byington, Vice President Rochelle Featheran, and Treasurer Nathan Okuma; and members of the American Massage Therapists Association (AMTA), Oahu Vice President Olivia Nagashima, and Secretary Susan Reynolds.

Representative Abinsay introduced Mr. Danny Agsalog formerly with the County of Maui.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 229 and 230) were announced by the Clerk and the following action taken:

H.R. No. 229, entitled: "HOUSE RESOLUTION COMMENDING TWO OF HAWAII'S MOST EXEMPLARY YOUNG PEOPLE," was jointly offered by Representatives Finnegan and B. Oshiro.

Representative Finnegan, moved that H.R. No. 229 be adopted, seconded by Representative B. Oshiro.

Representative Finnegan introduced 15 year-old Bradley Nishibata of Aiea, First Place winner at the 2004 Junior Pan-American Karate Championships, and qualifying member of the Junior USA National Team, who was seated on the floor of the House.

He was accompanied by his mother, Ms. Stacey Allen; brother Matthew Nishibata; and Karate instructor, Mr. Michael Shimabukuro.

Representative Finnegan then introduced Aiea Elementary School 5th grader, Leonardo Pagampao, Jr. who successfully performed the Heimlich Maneuver and saved a classmate's life.

He was accompanied by parents, Mr. Leonardo Pagampao, Sr. and Ms. Valanda Maduli; and Aiea Elementary School Principal, Mr. Art Kaneshiro.

The motion was put to vote by the Chair and carried, and H.R. No. 229 was adopted with Representative Meyer being excused.

H.R. No. 230, entitled: "HOUSE RESOLUTION HONORING THE U.S. SMALL BUSINESS ADMINISTRATION'S 2005 SMALL BUSINESS PERSONS OF THE YEAR," was offered by Representative Herkes.

Representative Herkes, moved that H.R. No. 230 be adopted, seconded by Representative Wakai.

Representative Herkes and Representative Wakai introduced the 2005 U.S. Small Business Administration Award honorees who were seated on the floor of the House:

2005 Small Business Persons of the Year

Mr. Dennis Matsui, Mr. Modesto Revilla, Jr. and Mr. Robert R. Acasio of Aloha Machine & Welding.

2005 Small Business Exporter of the Year

Ms. Carole Baguio of Pacific Hawaiian Music Corporation in Waipahu.

2005 Family Owned Small Business

Mr. Walter "Kamika" Smith of Smith's Motor Boat Service on Kauai.

2005 Minority Small Business Champion

Mr. Olin Kealoha Lagon of Hawaiian Homestead Technology.

2005 Small Business Journalist

Mr. Lincoln Jacobe of the Technology News Network and the Pacific Technology Foundation.

2005 Financial Services Champion

Mr. Jeffrey Au of PacificCap Group.

2005 Women in Business Champion

Ms. Saedene Yee-Ota of Sae Design on Maui.

Representative Wakai then announced that Mr. Walter 'Kamika' Smith and the Smith's Motor Boat Service, Inc, had recently been named as the 2005 National Family Owned Business.

Representative Herkes then introduced supporters who were seated in the gallery:

U.S. Small Business Administration Director, Mr. Andrew Poepoe; Assistant District Director, Ms. Jane Sawyer; and Business Development Assistant, Ms. Doreen Ezuka.

Parents of the honorees, Mr. and Mrs. Walter 'Freckles' Smith, Mrs. Nancy Au, and Mrs. Shirley Jacobe.

Award Nominators, Ms. Kelly Walsh, Bank of Hawaii; Mr. David Fisher, Hawaii SBDC Network; Ms. Sonia Topenio, Bank of Hawaii; Mr. Steve Williams, First Hawaiian Bank, Maui; and Ms. Naomi Masuno, Central Pacific Bank.

The motion was put to vote by the Chair and carried, and H.R. No. 230 was adopted.

At 12:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representatives Saiki and Kahikina, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1292) recommending that S.B. No. 780, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 780, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1293) recommending that S.B. No. 778, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 778, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR SERVICES TO CHILDREN WITH

AUTISM SPECTRUM DISORDER, AND FOR SCHOOL-BASED BEHAVIORAL HEALTH SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1294) recommending that S.B. No. 782, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 782, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1295) recommending that S.B. No. 1210, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1296) recommending that S.B. No. 1249, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1249, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1297) recommending that S.B. No. 575, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 575, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in support with just a few brief comments. I think this is for a worthy reason; the King Kamehameha Celebration Commission. It's just that it's another special fund and I just have a problem with creating more and more special funds. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 575, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION FUND," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1298) recommending

that S.B. No. 637, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 637, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I just would like reservations recorded with my vote on 1298. I believe that the public needs to fully understand what they're doing when they pick up the phone and deal with an emergency or non-emergency related to various actions. And we already have an existing non-emergency number. It's 2-1-1. I think it would be better if the public just had two choices; 9-1-1 or 2-1-1 and we not create yet a third option, 3-1-1. Thank you."

Representative Berg rose, stating:

"Thank you, Mr. Speaker. Just for clarification. 2-1-1 is the informational line that's tied into United Way. Thank you."

Representative Fox rose to respond, stating:

"Thank you, Representative. I am aware of that. There's no reason that the police couldn't also use 2-1-1."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 637, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1299) recommending that S.B. No. 789, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 789, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1300) recommending that S.B. No. 1699, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1699, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1301) recommending that S.B. No. 1129, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1129, SD 2, HD 1

pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. We have seen this bill for two or three years, but this has a little bit of a change in it. Not only would it use money out of the Hurricane Relief Fund for resistive devices to mitigate hurricane damage, but it also includes money to be used for building safe rooms in people's houses. As written, this bill will appropriate \$2 million out of the Fund over a two-year period. And I don't believe that this money was ... It was property owners that were charged extra fees to go into this Fund and I think the money should be left there for the next big hurricane that hits Hawaii. Thank you."

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

"Thank you, Mr. Speaker, in opposition. I'd like the words of the previous speaker as if my own. And every time we try to take money from the Hurricane Relief Fund, I mentioned that this is not the intended purpose of that money. If we're not going to use it for the intended purpose, we should return it to the people who paid it. Thank you."

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

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1129, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representative Saiki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1302) recommending that S.B. No. 60, SD 1, as amended

in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 60, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Saiki being excused.

Representative Magaoy, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1303), recommending that H.C.R. No. 39, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 39, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COLORECTAL CANCER SCREENING BY FECAL OCCULT BLOOD TESTING, FLEXIBLE SIGMOIDOSCOPY, AND COLONOSCOPY," was referred to the Committee on Finance, with Representative Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1304), recommending that H.R. No. 136, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 136, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO COOPERATE WITH EMPLOYERS OF THE VILLAGE PARK, UPPER WAIPAHU, WAPIO, AND GENTRY COMMUNITIES TO ARRANGE FOR ADEQUATE BUS SERVICES TO BE PROVIDED FOR RESIDENTS DURING THE PEAK COMMUTE HOURS OF THE WORKDAY," was referred to the Committee on Finance, with Representative Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1305), recommending that H.C.R. No. 184, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 184, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO COOPERATE WITH EMPLOYERS OF THE VILLAGE PARK, UPPER WAIPAHU, WAPIO, AND GENTRY COMMUNITIES TO ARRANGE FOR ADEQUATE BUS SERVICES TO BE PROVIDED FOR RESIDENTS DURING THE PEAK COMMUTE HOURS OF THE WORKDAY," was referred to the Committee on Finance, with Representative Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1306), recommending that H.C.R. No. 182, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 182, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to cast a no vote on Stand. Com. 1306. The effect of the resolution is to trim back memorials set up at the side of the road. We have an agreement worked out between the State and the City and County that makes it clear where these can be placed and positioned. And I believe that memorials, in certain circumstances, are appropriate recognition of what happened."

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

Representative Ching's written remarks are as follows:

"Families that experience such tragedies must have the ability to pay their respects in the loss of their loved ones by erecting an anamnesis that will also serve as a deterrent to drunk driving and speeding. Allowing mourners to grieve for a period of time is critical to the healing process. Legislators should be cautious when enacting a statewide policy that would adversely affect the expression that is characteristic to each island."

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

"Thank you, Mr. Speaker, in support with comments. Mr. Speaker, in Committee, the Director of Transportation indicated that there is a policy memorandum in place for the City and County of Honolulu; so it covers all of Oahu. And he also indicated there's been no safety concerns regarding the roadside memorials since the policy memo was implemented. That policy memo was implemented August 1, 1997, Mr. Speaker. So, there's been no problem.

"I asked the Director if he would try to obtain policy memorandums with the other counties so that this would be statewide, and he affirmed that he would. So, I believe this resolution is unnecessary. Some memorials are appropriate. Thank you."

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

"Thank you, Mr. Speaker. I vote with reservations. I would hate to see a statewide policy because I think the situation on the Neighbor Islands is quite different from Honolulu. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW AND EVALUATE THE PRACTICE OF ERECTING ROADSIDE MEMORIALS WITH RESPECT TO THE SAFETY OF BOTH PEDESTRIANS AND MOTORISTS," was referred to the Committee on Judiciary with Representative Fox voting no, and with Representative Saiki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1307) recommending that H.R. No. 96, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING AND

LICENSING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS," was adopted, with Representative Saiki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1308) recommending that H.C.R. No. 127, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING AND LICENSING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS," was adopted, with Representative Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1309) recommending that H.R. No. 160, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 160, entitled: "HOUSE RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was adopted, with Representative Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1310) recommending that H.C.R. No. 214, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was adopted, with Representative Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1311) recommending that H.C.R. No. 86, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 86, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITIOUSLY CONCLUDE ITS NEGOTIATIONS WITH HAWAII SUPERFERRY, INC.," was adopted, with Representative Saiki being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1312) recommending that H.R. No. 178, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1313) recommending that H.C.R. No. 245, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 178, HD 1, and H.C.R. No. 245, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations on SCR 1312 and 1313. I appreciate this resolution because some of our schools, at the school level, it is difficult to make some of the AYP and some of the requirements that are being asked of the schools. However, I'm a little confused as to what is actually in the NCLB law, and what are the requirements of the State, and what is the implementation of the State in regards to NCLB. So maybe some of the hardships that the schools are having maybe because of our State implementation of NCLB and I'm not quite clear on that.

"However though like NCLB, what NCLB does is it identifies areas where we could lend a hand to some schools, whether it be through resources or through other tools. In this case, because we do that for NCLB schools, I'd like also for that opportunity in this resolution to say that we are identifying areas to Congress and our President, areas where maybe we could make NCLB better; and that's what I do like about it.

"However, there are some flexibilities like I mentioned, and we should be looking at what we could be doing locally to alleviate some of the hardships that the schools are having. Thank you."

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

Representative Fox rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye 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. 178, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE NO CHILD LEFT BEHIND ACT OF 2001 ACCORDING TO THE RECOMMENDATIONS OF THE FINAL REPORT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES' TASK FORCE ON NO CHILD LEFT BEHIND," was adopted, with Representative Saiki being excused; and

H.C.R. No. 245, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE NO CHILD LEFT BEHIND ACT OF 2001 ACCORDING TO THE RECOMMENDATIONS OF THE FINAL REPORT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES' TASK FORCE ON NO CHILD LEFT BEHIND," was adopted, with Representative Saiki being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1314) recommending that H.R. No. 179, be adopted; and

(Stand. Com. Rep. No. 1315) recommending that H.C.R. No. 246, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 179 and H.C.R. 246, be adopted, seconded by Representative B. Oshiro.



Representative Fox rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Finnegan rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. And I would like to continue my reservations with SCR 1314 through 1317. But I would like to just make a brief comment on SCR 1317.

"On 1317, there's a section in one of the 'whereas' clauses, where it identifies some of the schools as being failing. And one of the things with NCLB is that many get offended when they try very hard in their schools to not become a failing school. And despite their attempts, they might not make the proficiency, AYPs. I would prefer that whether or not it's a NCLB or a State implementation of the NCLB, that we not label them as failing schools. That we take that opportunity to say that because they didn't meet it that they would, you know, get additional resources or whatever and we've identified them. But, we need to stop saying the 'F'-word."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye 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. 179, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO MAKE CERTAIN MODIFICATIONS AND ACKNOWLEDGMENTS WITH RESPECT TO THE NO CHILD LEFT BEHIND ACT OF 2001," was adopted, with Representative Saiki being excused; and

H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO MAKE CERTAIN MODIFICATIONS AND ACKNOWLEDGMENTS WITH RESPECT TO THE NO CHILD LEFT BEHIND ACT OF 2001," was adopted, with Representative Saiki being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1316) recommending that H.R. No. 180, be adopted; and

(Stand. Com. Rep. No. 1317) recommending that H.C.R. No. 247, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 180 and H.C.R. No. 247, be adopted, seconded by Representative B. Oshiro.

Representative Fox rose and asked that the Clerk record an aye vote with reservations for him on both measures, 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 on both measures, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye 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. 180, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE PERFORMANCE BASED INCENTIVES WHEN CONTRACTING WITH EDUCATION SERVICE PROVIDERS FOR SCHOOL RESTRUCTURING UNDER THE NO CHILD LEFT BEHIND ACT," was adopted, with Representative Saiki being excused; and

H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE PERFORMANCE BASED INCENTIVES WHEN CONTRACTING WITH EDUCATION SERVICE PROVIDERS FOR SCHOOL RESTRUCTURING UNDER THE NO CHILD LEFT BEHIND ACT," was adopted, with Representative Saiki being excused.

### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representative Saiki was excused.)

### THIRD READING

#### S.B. No. 1680, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1680, SD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFICATIONS OF BOARD MEMBERS," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

#### S.B. No. 1230:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

#### S.B. No. 681:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 681, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

#### S.B. No. 615, SD 1:

Representative M. Oshiro moved that S.B. No. 615, SD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. Mr. Speaker, this bill refers to small claims court for residential, for the landlord/tenant code. Currently the only exception to

landlord/tenant relationships is for summary possession to be held in district court rather than small claims court.

"This bill is an improvement, in that when summary possession is heard in district court, the judge could consider a broader number of issues rather than being just limited to summary possession. So I'm in favor of this bill but I would like to comment that even better would be a summary possession or if all residential issues were in small claims court, for many reasons. Hopefully we can do that next year. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I want to register the same reservations and ask that the words of the Representative from Kihei be inserted in the Journal as if they were my own."

The Chair addressed Representative Meyer, stating:

"Representative Meyer, I believe Representative Halford was in strong support. So you have reservations but would like his remarks as your own."

The motion was put to vote by the Chair and carried, and S.B. No. 615, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 1348, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1348, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 1349, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1349, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 1798, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 607, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 675, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 700, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 700, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

**S.B. No. 1796, SD 1, HD 1:**

Representative M. Oshiro moved that S.B. No. 1796, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support of this measure. S.B. 1796, SD 1, HD 1, Relating to the Disposition of Convicted Defendants. Mr. Speaker, this is for first-time drug offense; people who turn their life back together in society, and expungement.

"I just want to make a plea that we also let Child Protective Services know that when we expunge their records that they should expunge it also in Child Protective Services because there are families that fall in this category that for life, their records are still battered by that. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. As I mentioned on Monday, on Second Reading, this measure is inconsistent on its face. If you look at the measure in paragraph one, the second sentence. It says, that any person previously granted an expungement of a first-time drug offense should not be eligible for another expungement upon this provision.

"Well Mr. Speaker, if you expunge the record, as this measure says, you've expunged all the record; the criminal arrest, the conviction, anything. It's expunged; it's gone. If there's no record that this person has ever been arrested or convicted, then in the second part of the sentence it says you cannot, he will not be eligible; he or she, for another expungement. Well, it's absurd because there was no first expungement because it's expunged; it's gone. So now, when he's arrested again it's his first offense. So, a person arrested under this measure can be arrested time and time again and there would be no record that he was ever arrested before. No matter what the seriousness of the crime. If it was robbery, break-in, whatever and they also had some drugs on them then the record can be expunged.

"There's no mention in this measure how long a person has to be rehabilitated. Did they go through drug rehabilitation? Did they serve a prison sentence? In fact, Mr. Speaker, you could get somebody that's in prison now that's serving time and then suppose to go on to drug rehab and while he's in prison this can be filed, he can be released, the record expunged, and he's out. Thank you, Mr. Speaker."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fox rose to speak in opposition to the measure, stating:

"Yes, I'm opposed to this measure, Mr. Speaker. The Attorney General and three of the four County Prosecutors opposed this measure. It's ironic that one thing this measure

does is take away from a judge the authority to decide what to do about somebody's record. This becomes, you know, mandatory. That is consistent with the way our side looks at a lot of how the Judiciary should be handled, inconsistent with what we hear from the other side.

"I think the points made by the Representative from Makakilo are something we really have to deal with. Two basic problems. Number one, how far does expungement go? Does it really literally wipeout everything? And this is serious concern of the Attorney General. We don't know who's expunged and who isn't because they're supposed to have their entire record eliminated. And secondly, it's very indefinite about what stage is the proper stage to apply for expungement. You can be successfully going through drug treatment and get your record expunged and still have, you know, really a long way to go before you're really totally clean and sober. Thank you."

Representative Halford rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm going to vote up on this bill because I agree with the intention and sentiment of the bill. But I do believe that as it's written, it is dysfunctional. So I'll stand by to see what comes out of Conference, if anything, in this regard. But I will support the sentiment of this bill."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Fox be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm also rising in opposition. I just wanted to point out that it appears that although this measure is aimed at helping immigrant drug offenders, it may be unnecessary as immigrants already have sufficient notice of potential for deportation and may already apply for deferred acceptance that would not result in a drug conviction. It's as if we're passing this bill for this group and the unintended consequences are we could have this revolving door where we have this never ending group of quote 'first-time offenders.' Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I wanted to make some clarification. First of all, the language on the expungement of first-time drug offense not being eligible for another expungement was the suggestion of the law-enforcement members. And the reason why it was put in is to address the same problem. If somebody is being expunged, should that person be eligible for another expungement later on?"

"Mr. Speaker, when records are expunged it's not just completely thrown away. What happens is the records are sealed so that you can't use it for other purposes. It's not as if it's expunged; it's gone forever, no one ever remembers it. So that's the clarification I wanted to make.

"The second clarification is that the Prosecutor opposed this bill as it came over from the Senate because the Senate bill, the definition in the Senate bill, the requirements in the Senate bill was very loose compared to the Act 161 requirements that we passed last year. And what this draft does is it amended it to

meet the requirements of Act 161 to address the Prosecutor's concerns. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1796, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine and Stonebraker voting no, and Representative Saiki being excused.

#### S.B. No. 608, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 608, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DUTY OF PHYSICIAN, SURGEON, HOSPITAL, CLINIC, ETC., TO REPORT WOUNDS," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

#### S.B. No. 693, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 693, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

At 1:21 o'clock p.m., the Chair noted that S.B. Nos.: 1680, SD 1; 1230; 681; 615, SD 1; 1348, SD 1, HD 1; 1349, SD 1, HD 1; 1798, HD 1; 607, SD 1, HD 1; 675, HD 1; 700, SD 1, HD 1; 1796, SD 1, HD 1; 608, HD 1; and 693, SD 1, HD 1, passed Third Reading.

#### ANNOUNCEMENT

Representative Shimabukuro, for the Committee on Higher Education, requested a waiver of the 48-hour advance notice requirement to hear certain resolutions on Thursday, at 2:00 pm in Room 309, and the Chair "so ordered."

"We've amended the hearing notice to correctly identify the measures, House Resolution 144 and House Resolution 108, by adding 'HR' before the measure numbers. Thank you."

#### ADJOURNMENT

At 1:21 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 31, 2005. (Representative Saiki was excused.)

## FORTIETH DAY

**Thursday, March 31, 2005**

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Luke, after which the Roll was called showing all members present with the exception of Representatives Cabanilla and Carroll, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, and Thirty-Fourth Days were approved. (Representatives Cabanilla and Carroll were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 186 and 187) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 186, transmitting the Hawaii State Foundation on Culture and the Arts' Annual Report for fiscal year ending June 30, 2004.

Gov. Msg. No. 187, transmitting the Report pursuant to Section 16, Act 176, Twenty-First Legislature 2002, Requiring the Department of Health to Give a Report on the Activities of the Deposit Beverage Container Program.

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 400) was received and announced by the Clerk:

Sen. Com. No. 400, transmitting H.B. No. 79, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," which passed Third Reading in the Senate on March 30, 2005.

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Tanaka introduced students from Lahainaluna High School, Ms. Kellie Holiday and Mr. Jason Bilog, accompanied by retired school renewal specialist of the Lahaina School Complex, Mr. Sadao Yanagi.

Representative Tanaka also introduced 24 students from the Princess Nahiena'ena Elementary School Student Council, accompanied by teachers, parents, and staff, Ms. Charlaime Amine, Ms. Tommay Harbottle, Ms. Jeri Miyamoto, Mr. Jesse Neizman, Mr. Nick Pasion, Ms. Luly Baker, Ms. Karen Murphy, and Ms. Melinda Madamba.

Representative Arakaki, on behalf of Representatives Kahikina and Sonson, introduced from the U.S. Department of Health and Human Services, Acting Assistant Secretary for Health, Rear Admiral Cristina V. Beato, M.D., FAAFP, accompanied by Assistant Surgeon General, Regional Health Administrator, Region IX, Rear Admiral Ronald Banks, M.D., M.P.H.; and Senior Public Health Advisor, USPHS, Office of

the Regional Health Administrator, Region IX, Captain Cathy J. Wasem, MN, RN.

Representative Caldwell introduced members of Boy Scouts Troop 42, Mr. Stanford Lee, Mr. Creighton Lee, Mr. Scott Akiyoshi, Mr. Brent Koki, Mr. Kevin Lum, Mr. Paul Porter and Mr. Matthew Chun; accompanied by parents, Mr. Anthony Chun, Ms. Iris Koki and Ms. Cynthia Akiyoshi.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were referred to committee by the Speaker:

H.R.Nos.Re-referred to:

90 Committee on Health

195 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on International Affairs

H.C.R.Nos.Re-referred to:

174 Committee on Transportation

264 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on International Affairs

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. Nos. 231 through 233) were announced by the Clerk and the following action taken:

H.R. No. 231, entitled: "HOUSE RESOLUTION HONORING AND CONGRATULATING THE IOLANI SCHOOL GIRLS' WRESTLING TEAM ON BECOMING THE 2005 HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION CHAMPION," was jointly offered by Representatives Sonson, Shimabukuro and Stonebraker.

H.R. No. 232, entitled: "HOUSE RESOLUTION CONGRATULATING THE BOYS 2005 HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION/CHEVRON STATE WRESTLING CHAMPIONS FROM KAMEHAMEHA SCHOOLS," was jointly offered by Representatives Stonebraker and Sonson.

Representative Sonson moved that H.R. Nos. 231 and 232 be adopted, seconded by Representative Stonebraker.

Representative Sonson introduced members of the Iolani School Girls' Wrestling Team who were seated on the floor of the House: Team Captains, Ms. Brandee Toyama and Ms. Joleen Oshiro; Head Coach, Mr. Matt Ha; and Coach Ms. Jill Remiticado.

Representative Sonson then introduced team members who were seated in the gallery: Ms. Kira Tamashiro, Ms. Catherine Chan, Ms. Carla Watase, Ms. Akemi Holmes, Ms. Sridevi Fournier, Ms. Courtney Whang, and Ms. Lindsey Tufono.

They were accompanied by Iolani Wrestling Program Director, Mr. Yoshi Honda; Iolani Athletic Director, Mr. Carl Schroers; parent, Mr. Paul Oshiro, and Representative Sonson's staff, Ms. Park Kaleiwahea and Ms. Felice Guillermo.

Representative Stonebraker introduced members of the Kamehameha Schools Boys Wrestling Team who were seated on the floor of the House: Mr. Alapa'i Bungo, Mr. Reggie Torres, Mr. Jarrod Sandobal and Mr. Gaison Ontai; and Head Coach, Mr. Billy Venenciano.

Representative Stonebraker also recognized team members who were not in attendance: Mr. Gerritt Vincent, Mr. Bryson Vivas and Mr. Kenric Pai; and Assistant Coach, Mr. Chris West.

The motion was put to vote by the Chair and carried, and H.R. Nos. 231 and 232 were adopted with Representatives Cabanilla, Carroll, Nakasone and Takamine being excused.

H.R. No. 233, entitled: "HOUSE RESOLUTION CONGRATULATING THE HILTON HAWAIIAN VILLAGE ON THE 50TH ANNIVERSARY OF ITS BUILDING CONSTRUCTION," was offered by Representative Fox.

Representative Fox moved that H.R. No. 233 be adopted, seconded by Representative Chang.

Representative Chang congratulated Hilton Hawaiian Village on the 50th anniversary of its building construction and introduced the honorees, General Manager, Mr. Noel Trainor; Regional Vice President, Ms. Roberta Rinker-Ludloff; and Regional Director of Public Relations, Ms. Cynthia Rankin, who were seated on the floor of the House.

Representative Fox then introduced Managing Director of Hilton Hawaiian Village, Mr. Peter Schall, who was seated on the floor of the House, and congratulated him on his upcoming retirement.

The motion was put to vote by the Chair and carried, and H.R. No. 233 was adopted with Representatives Cabanilla, Carroll, Nakasone, Saiki and Takamine being excused.

At 12:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1318), recommending that H.R. No. 170, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 170, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AND REPORT ON COMPETITIVE PRACTICES OF HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Carroll, Evans, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1319), recommending that H.C.R. No. 227, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AND REPORT ON COMPETITIVE PRACTICES OF HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Carroll, Evans, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1320), recommending that H.R. No. 56, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 56, entitled: "HOUSE RESOLUTION REQUESTING A SUNRISE REVIEW OF CERTIFIED ATHLETIC TRAINERS," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, Evans, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1321), recommending that H.C.R. No. 67, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF CERTIFIED ATHLETIC TRAINERS," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, Evans, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1322), recommending that H.C.R. No. 233, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 233, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE EDUCATIONAL MATERIALS AVAILABLE, IN WRITTEN AND ELECTRONIC FORMS, ON THE DIAGNOSIS, TREATMENT, AND PREVENTION OF HEPATITIS C TO ALL VETERANS, PHYSICIANS, OTHER HEALTH CARE PROVIDERS, AND OTHER PERSONS AT HIGH RISK FOR HEPATITIS C," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, Evans, Saiki, Sonson and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1323) recommending that H.C.R. No. 225, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 225, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO UNDERTAKE A TRAFFIC LIGHT STUDY OF THE INTERSECTION OF KALANIANA'OLE HIGHWAY AND

ULUPII STREET IN KAILUA, OAHU," was adopted, with Representatives Cabanilla, Carroll, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1324) recommending that H.R. No. 30, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 30, entitled: "HOUSE RESOLUTION URGING THE STATE TO ACHIEVE UNIVERSAL HEALTH CARE BY 2012," was adopted, with Representatives Cabanilla, Carroll, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1325) recommending that H.C.R. No. 34, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO ACHIEVE UNIVERSAL HEALTH CARE BY 2012," was adopted, with Representatives Cabanilla, Carroll, Saiki, Sonson and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1326) recommending that H.C.R. No. 8, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF JANUARY AS CERVICAL CANCER AWARENESS MONTH," was adopted, with Representatives Cabanilla, Carroll, Saiki, Sonson and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1327) recommending that S.B. No. 1253, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Carroll, Saiki and Takamine being excused.

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Cabanilla, Carroll, Saiki and Takamine were excused.)

#### THIRD READING

##### S.B. No. 780:

Representative M. Oshiro moved that S.B. No. 780, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of SB 780.

"The purpose of this bill is to authorize a Hawaiian homestead lessee who is at least one-quarter Hawaiian to designate a brother or sister who is at least one-quarter Hawaiian to succeed to the leasehold interest in the tract by amending the Hawaiian Homes Commission Act, 1920 (HHCA).

"Act 12, Session Laws of Hawaii 2002, amended section 208(5) of the HHCA extended the transfer rights of a lessee who is at least one-quarter Hawaiian to a brother or sister in addition to a spouse, child, or grandchild who is at least one-quarter Hawaiian.

"However, authority to designate a brother or sister who is at least one-quarter Hawaiian as a successor to the leasehold interest was inadvertently omitted. This bill will correct that oversight.

"For these reasons, I urge my colleagues to support SB 780."

The motion was put to vote by the Chair and carried, and S.B. No. 780, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Carroll, Saiki and Takamine being excused.

##### S.B. No. 778, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 778, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR SERVICES TO CHILDREN WITH AUTISM SPECTRUM DISORDER, AND FOR SCHOOL-BASED BEHAVIORAL HEALTH SERVICE," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Carroll, Saiki and Takamine being excused.

##### S.B. No. 782, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 782, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Carroll, Saiki and Takamine being excused.

##### S.B. No. 1210:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Carroll, Saiki and Takamine being excused.

##### S.B. No. 1249:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1249, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 47 ayes, with

Representatives Cabanilla, Carroll, Saiki and Takamine being excused.

At 12:51 o'clock p.m., the Chair noted that S.B. Nos.: 780; 778, SD 1; 782, SD 1; 1210; and 1249, passed Third Reading.

#### ANNOUNCEMENTS

Representative Arakaki: "Thank you, Mr. Speaker, a couple of short announcements. First of all, your Committee on Health will be reconvening following session in Room 329 for decision-making only on some Health Committee resolutions.

"And secondly, to remind everyone that tomorrow is massage day, so you can get your massage on the fourth floor between 1:00 p.m. and 5:00 p.m. Thank you, Mr. Speaker."

Representative Berg: "Thank you, Mr. Speaker. Regarding the Hawaii Food Drive and the Foodbank, I'd like to report that Representative Meyer's office is in the lead, with Representative Takumi's office, second. And how one becomes in the lead is by the quantity and quality of donated foods.

"I'd also like to thank Representative Finnegan's office for donating the 'She-node', cousin of the two 'He-node' brothers, in front of my office, and to offer everyone the opportunity to participate on Monday, April 4th in Room 423 with the Ono Kine Grind's Sale. Thank you."

#### ADJOURNMENT

At 12:53 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, April 1, 2005. (Representatives Cabanilla, Carroll, Saiki and Takamine were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated March 31, 2005, 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 disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 98, HD 2, SD 1  
H.B. No. 125, HD 2, SD 1  
H.B. No. 169, HD 2, SD 1  
H.B. No. 515, HD 2, SD 1

## FORTY-FIRST DAY

Friday, April 1, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Sister Janet Eli, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, M. Oshiro, Souki and Stonebraker, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fortieth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 401 through 402) were received and announced by the Clerk:

Sen. Com. No. 401, transmitting S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE NATIONAL CONFERENCE OF INSURANCE LEGISLATORS PROPERTY/CASUALTY INSURANCE MODERNIZATION ACT," which was adopted by the Senate on March 31, 2005.

Sen. Com. No. 402, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 607, SD 1, HD 1  
"RELATING TO THEFT." (Theft; Felony)

S.B. No. 608, HD 1  
"RELATING TO DUTY OF PHYSICIAN, SURGEON, HOSPITAL, CLINIC, ETC., TO REPORT WOUNDS." (Reports of Motor Vehicle Collision Victims)

S.B. No. 675, HD 1  
"RELATING TO CHILD SUPPORT ENFORCEMENT." (Child Support Enforcement)

S.B. No. 693, SD 1, HD 1  
"RELATING TO CHARITABLE GIFT ANNUITIES." (Charitable Gift Annuities; Annual Statement; Reserves)

S.B. No. 700, SD 1, HD 1  
"RELATING TO NUISANCE ABATEMENT." (Nuisance Abatement)

S.B. No. 1348, SD 1, HD 1  
"RELATING TO CONDOMINIUM PROPERTY REGIMES." (Condominium Property Regimes; Minutes)

S.B. No. 1349, SD 1, HD 1  
"RELATING TO CONDOMINIUM PROPERTY REGIMES." (Condominium Property Regimes; Records)

S.B. No. 1796, SD 1, HD 1  
"RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS." (First-Time Drug Offenses; Expungement)

S.B. No. 1798, HD 1  
"RELATING TO NONPROFIT CORPORATIONS." (Nonprofit Corporations; AOAOS; Cumulative Voting)

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Finnegan introduced students from Aliamanu Middle School, accompanied by teachers, Ms. Joanne Brinich and Mr. Mel Chong.

Representative Ching introduced an actor from *Lost*, Mr. Malcolm David Kelly, accompanied by his grandmother, Ms. Marilyn Porter; his teacher, Ms. Susie Salerno; fifth-grade student, Mr. Caleb Sandoval; and Mr. Sandoval's father, Mr. Alonzo Sandoval of Representative Ching's office.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate bill was re-referred to committee by the Speaker:

<u>S.B.</u> <u>No.</u>	<u>Re-referred to:</u>
1843, SD1, HD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance

The following concurrent resolution was re-referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
133	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 234 and 235) were announced by the Clerk and the following action taken:

H.R. No. 234, entitled: "HOUSE RESOLUTION CONGRATULATING HAWAII KAI CORPORATION ON WINNING THE AMERICAN ACADEMY OF HOSPITALITY'S FIVE STAR DIAMOND AWARD FOR ITS SOUL OF THE SEA LINE OF GOURMET HAWAIIAN SALTS," was offered by Representative Carroll.

Representative Carroll, moved that H.R. No. 234 be adopted, seconded by Representative Hiraki.

Representative Carroll congratulated the Hawaii Kai Corporation and introduced the founder of Soul of the Sea, Ms. Nancy Gove, who was seated on the floor of the House.

Representative Hiraki also introduced business collaborators who accompanied Ms. Gove: entrepreneur and process engineer, Mr. Kent Clampitt; and Managing Partner of Island Soap and Candle Works, Mr. Richard Emery, who were seated on the floor of the House.



Representative Hiraki then introduced Mr. Clampitt's wife, Ms. Peggy Clampitt; and Ms. Gove's husband, Mr. James Gove, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 234 was adopted with Representatives Cabanilla, Kanoho, Nakasone and M. Oshiro being excused.

H.R. No. 235, entitled: "HOUSE RESOLUTION HONORING TWENTY-FOUR-HOUR, SEVEN-DAY-A-WEEK STATEWIDE SEXUAL VIOLENCE SERVICE PROVIDERS," was jointly offered by Representatives Lee and Morita.

Representative Lee, moved that H.R. No. 235 be adopted, seconded by Representative Morita.

Representative Lee introduced from Kapiolani Medical Center for Women and Children Sex Abuse Treatment Center, Ms. Adriana Ramelli; and from the Hawaii YWCA Sexual Assault Victim Empowerment program, Ms. Lu-Ann Woo O'Brien, who were seated on the floor of the House.

Representative Morita also introduced from Maui Child and Family Service Sexual Assault Support Service, Ms. Sheri Daniels; and from Kauai YWCA Sexual Assault Treatment Program, Ms. Barbara Rehmer, who were seated on the floor of the House.

Representative Lee then introduced the following supporters in the gallery:

Hawaii Coalition Against Sexual Assault

Ms. Paula Chan.

Sex Abuse Treatment Center

Ms. Cindy Shimomi;  
Ms. Melissa Hashimoto;  
Ms. Richelle Freitas;  
Ms. Cece Fontaine;  
Ms. Corey Adler;  
Ms. Nicole Kojima;  
Ms. Alana Peacott-Ricardos; and  
Ms. Cynthia Cary.

Advisory Board Member

Mr. Peter Van Zile.

The motion was put to vote by the Chair and carried, and H.R. No. 235 was adopted with Representatives Cabanilla, Kanoho, Nakasone, M. Oshiro and Takamine being excused.

At 12:31 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:21 o'clock p.m.

### STANDING COMMITTEE REPORTS

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1328), recommending that H.R. No. 118, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU STUDY THE ISSUES ASSOCIATED WITH

CRIMINALIZING THE TRANSMISSION OF BULK E-MAIL OR "SPAM"," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1329), recommending that H.C.R. No. 158, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU STUDY THE ISSUES ASSOCIATED WITH CRIMINALIZING THE TRANSMISSION OF BULK E-MAIL OR "SPAM"," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1330), recommending that H.C.R. No. 26, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE PROFESSION OF ARCHAEOLOGY," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1331), recommending that H.C.R. No. 156, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR CONCERNING THE REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1332), recommending that H.C.R. No. 204, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1333), recommending that H.C.R. No. 172, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was

adopted and H.C.R. No. 172, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF PAYDAY LENDERS AND DEFERRED DEPOSIT CHECK CASHERS," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Waters, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1334), recommending that H.R. No. 173, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1335), recommending that H.C.R. No. 238, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 173, HD 1, and H.C.R. No. 238, HD 1, be referred to the Committee on Finance, seconded by Representative Ito.

Representative Magaoay rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Fox rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, in opposition to those two resolutions. Mr. Speaker, I think I'm going to be a sad person among many others in Hawaii when our Senior Senator and Junior Senator pass from the scene. These are individuals who are really an important part of the history of Hawaii. And people who understand the important role that the military plays within Hawaii. They're both veterans and particularly in the case of the Senior Senator, we've had a strong and constant benefit from his support for the military.

"Today, Mr. Speaker, I heard that the people filing for unemployment is down to 6,000 and it's the lowest rate in years and it has something to do with the Senior Senator's good work with military housing.

"We have tremendous benefits in Hawaii from the presence of the military and we have repeatedly honored the military and the role they play while within society. I have no understanding of why we would try to pass a resolution like this. The University of Hawaii is as much a part of our community as any other part of the State government and they have a right to support the military in its work.

"And I'm particularly puzzled about why the presence of this research next to Noelani School makes any difference at all. They're not going to be firing weapons. They're going to be in rooms doing research. Classified work is a basic part of the military life. You don't do military life without classified work. And you know, the University of Hawaii has every right to be a part of the support of the military in Hawaii along with every other part of State government. Thank you, Mr. Speaker."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Karamatsu rose to speak in support of both measures with reservations, stating:

"With reservations. I have concerns because it would affect our goal to diversify the economy. It would affect engineering and science specifically. So, that's my concern. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Sonson rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Thielen rose to speak in opposition to both measures, stating:

Thank you, Mr. Speaker, with reservations and just a few comments. Mr. Speaker, the Base Realignment and Closure Commission is going to be looking at what bases should be closed, the BRAC process. And this will occur this year, in 2005. Resolutions like this, Mr. Speaker, and this is the reason for my very grave reservations. Resolutions like this send a signal that Hawaii does not welcome the military presence. Those are exactly the kind of things that the BRAC Commission will look at. I think this is a serious situation.

"I believe that our Chair of Public Safety and Military Affairs has tried to signal just the opposite, that we are appreciative of the military presence and their involvement in our communities. Then we come out with a measure like this from left field; and it is from left field. And it signals right away to the BRAC Commission, Hawaii does not want military here.

"Mr. Speaker, I'm going to vote against it. I've convinced myself."

Representative Meyer rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, I'm rising in opposition. I think that large grants are given for research for the military. And for all of the reasons that my colleague from Kailua said, I just don't know how the Majority in this Chamber could support this resolution."

Representative Green rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, in support. I recognize the important comments made before me. I do think that it is a very complicated issue though. It's really not simply from left field or totally outrageous as a proposition. This is about openness.

"We want this research. We want research going forward. We want the military here in our State. They're extremely valuable to us, but this right now is an extremely divisive, extremely divisive issue in the University; a University that we cherish that also contributes to our State incredibly. So what I want to say is, we want these things going forward, we want to support our engineering community in our State, but we just want to know exactly what we're doing as a State.

"The people that testified and they testified with remarkable clarity against such a plan going through without open discussions. Those people are sending a message that the University will be damaged if we don't have good communication. Thank you, Mr. Speaker."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Waters rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, in support. Part of the problem is that there hasn't been a discussion about this. The Board of Regents isn't having hearings on this. The University isn't having hearings on this. The Legislature did. It's healthy to talk about it. I don't know what's going to happen with this resolution, whether or not it'll pass both houses but it's healthy to simply talk about it. Thank you."

Representative Shimabukuro rose to speak in support of both measures, stating:

Mr. Speaker, in support. I just want make three main points. There seems to be fear that this resolution is saying to the University of Hawaii, that we're urging them to reject anything to do with the military, and that's not what we're saying. In 2004, the University of Hawaii received approximately \$54 million in Department of Defense research. This is not affecting that. This is talking about a completely new entity, University Affiliated Research Center or UARC for short, which will only be the fifth in the nation, if it does happen, and the first in 50 years.

"Mr. Speaker, there were also many comments about that this will bring a lot of money into the State. But if I could quote from the *Star-Bulletin* report, an editorial that was done by Professor Keever. She says, 'Advocates for the Navy contract note that it guarantees UH Manoa \$5 million to \$10 million annually for five years.' But what is unmentioned is that UH Manoa needs to field start-up costs of up to \$2 million annually for five years.

"The Regents were told, according to minutes of the November 18th and 19th meeting, that the UARC would not become self-sufficient until the 4th or 5th year of the Navy's 5-year contract. Then with the new occupant in the White House budgeting new defense strategies, the Navy could draw up UH Manoa's contract or could increase its demands for renewing it.

"And one last thing I wanted to point out Mr. Speaker, is the issue of academic freedom. Also from the *Star-Bulletin* article, Dr. Keever notes that, 'one of the most fundamental issues that the faculty has with this is that the Navy could censor or license the results of its research so that it would be unavailable on a timely basis for traditional peer review or replication, for scrutiny and tenure and promotion meetings and even for granting some students class credit needed for graduation'. And as a result of this concern, the UH Manoa Faculty Senate passed a resolution, and I quote, 'it supports only research for which there is a reasonable expectation that timely publication results of the research will not be restricted by a sponsor'.

"And for these reasons, Mr. Speaker, I think that it's very important that we continue discussion on this very important matter and the testimony was overwhelmingly in support. Only one person came in support of it on the day of the hearing and he was from UH. Thank you."

Representative Schatz rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker, with reservations and I'd like to adopt the words of the Vice Chair of the Tourism Committee. And as well, I'd like to commend the Vice Chair and the Chair of the Higher Ed Committee for bringing this issue to the public's attention. I think it's important to note that this is the only public discussion that decision makers have had about this. Thank you."

Representative Hale rose to speak in support of both measures with reservations, stating:

"With reservations, Mr. Chairman. And my reservations have to do with the language of the title. I think rather than urging us to abandon this, that this is a subject that needs more discussion and I would like to see us have more discussion on this question. I think it's a healthy thing. But to tell them right away to abandon it, that's what I have reservations on. Thank you."

Representative Ching rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker, in support with reservations. I would like to adopt the words of the previous speaker, but also add that I do believe discussion is good. I reiterate that the title, I think, does not seem to reflect that point. But just for an informational point, in the hearing, a few of the universities that have UARCs include MIT and John Hopkins University. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Moses rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, I looked at the Committee Report and it talks about clarifying that the UH is urged to abandon establishing the UARC and deleting language relating to the funding of UARC, so it's definitely against having the UARC at all.

"I look at the resolution itself and it says, whereas, a certain portion of the research at UARC is classified, meaning that researchers cannot discuss or disseminate their findings in papers and publications. Of course, Mr. Speaker, as you've already heard, there's classified military information and other national security matters that cannot be released and I would be ashamed if they were released or stolen, etc; like it has been done in the past. The proposed site for the UARC activities is adjacent to the elementary school. Yes, so? So what?"

The Chair then stated:

"Representative Moses, those statements have already been made by the Representatives from Waikiki, Kailua, etc. So you're just reiterating what they have stated."

Representative Moses continued, stating:

"Okay, Mr. Speaker, but I'm trying to say it also talks about, we can't have this purpose of the improvement of "systems performance of the Department of Defense weapons". In other words, when we keep saying that we're for the military, then we really don't want them to have weapons that can save their lives or eliminate casualties. We don't want that. When it's time to send them somewhere, whether we all agree or not, there are military people that have to go at times to do certain things and we want to send them off without the research in defense weapons that might help save their lives and return them to us.

"It goes on and it talks many times about the classified information and that seems to be the gist of this resolution. We're concerned because we don't know what's going on. Well, Mr. Speaker, why doesn't the Majority Party share all their documents with the Minority party? We should not have any classified material."

The Chair then stated:

"Representative Moses, your point is out of order."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to both measures, stating:

"Mr. Speaker, in opposition. We have launched a military appreciation package here in the Legislature. And I feel that the best way to support our men and women in uniform is by providing them the best research and technology possible. Thank you."

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. I wasn't sure if I'd made it clear; that I'm no on both measures please. Thank you."

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Chang rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Caldwell rose in support of both measures with reservations, and asked that the remarks of Representative Hale be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Shimabukuro rose to respond, stating:

"I'm sorry just one point of order. I think earlier someone stated that MIT is one of the UARCs, and I believe that from what I'm seeing from the UH testimony, it's John Hopkins, Pennsylvania State University, University of Washington and University of Texas at Austin. Thank you."

Representative Ching rose to respond, stating:

"May I? In brief rebuttal. It was in oral testimony."

Representative Berg rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, just very shortly. I wanted to clarify from my position being on the Committee, I speak in support of the resolution. The message to the military, as well as to any other business, is that we are discerning in the kind of research that we support. The concern that the Committee heard was that its military defense research had to do with biological warfare in part, and so that was of particular interest to us relative to our move toward sustainability. 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. 173, HD

1, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ABANDON ESTABLISHING THE UNIVERSITY AFFILIATED RESEARCH CENTER," was referred to the Committee on Finance with Representatives Fox, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Cabanilla, Green, Kanoho, Morita, Nishimoto, and M. Oshiro being excused; and

H.C.R. No. 238, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ABANDON ESTABLISHING THE UNIVERSITY AFFILIATED RESEARCH CENTER," was referred to the Committee on Finance with Representatives Fox, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1336), recommending that H.C.R. No. 75, as amended in HD 1, be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 75, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RE-EVALUATE ITS MEMORANDUM OF UNDERSTANDING WITH THE CRUISE SHIP INDUSTRY," was referred to the Committee on Energy & Environmental Protection with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1337), recommending that H.C.R. No. 120, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS," was referred to the Committee on Education with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1338), recommending that H.C.R. No. 121, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 121, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in reference to Standing Committee Report 1338, I'd like to speak in favor of the resolution and express some reservations. Mr. Speaker, this requests management and performance audits of the Department of Public Safety, of all their sections.

"Mr. Speaker, I first of all would like to point out that this is asking for a management audit which is something we've rarely seen in the last ten years; that is as long as I've been here. One management audit that we did do was for the storeroom of the

Department of Education and that was good that we did a management audit on that rather than just a financial audit. But let me point out my reservations. I have two reservations.

"One is, Mr. Speaker, already today up to this point, to page four, we've already asked the Auditor to do some things. This Session we've asked the Auditor to do a lot of things; more probably, Mr. Speaker, than there is funding provided her to do them. So at some point, we're going to have to call in this session to scale back because we won't be able to afford based on the amount of money that we've given the Auditor.

"Secondly, my second reservation, Mr. Speaker, is that if we had been conforming to Article VII, Section 10 of the Constitution that requires these management audits of all State functions of all State activity, if we had been doing this then there would be no need for us to request a management audit of a specific division or activity because it would already have been done on a regular basis, which is the intent of the Constitutional provision or requirement, if you will.

"And the same goes with all of these, a lot of these other requests that we're making the Auditor. It would have already been done, regularly. There would be a recent complete management audit of this division already so we wouldn't have to ask people to come and testify and get all worked up about these issues. It would already be done.

"And just on a lighter note, Mr. Speaker, if and whenever we actually do fully fund Article VII, Section 10, then I will be submitting a self-congratulating resolution for all of my efforts on this behalf. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. My reservations come from some of the testimony I've heard on this matter between fiscal year 1992 and 2005. The budget for PSD was reduced by \$23.4 million and 245.83 positions and yet the inmate population increased 123%.

"The adverse effects of these budget reductions and the inmate population increase is even compounded because the PSD still maintains records for over 6,000 inmates and their workforce of more than 2,500 people, and it's all manually, Mr. Speaker; they don't have the computer systems. So, if we want to do a financial and management audit, I think that we ought to understand that.

"Also Mr. Speaker, the Department is subject to a comprehensive financial and management audit annually by an external audit firm because they have to comply with federal regulations and that's from an OMB circular. So, while these audits may provide some information, I think the information will probably be that we need to update their computer systems and give them more positions and funding. Thank you, Mr. Speaker."

The Chair then announced:

"The Finance Committee will have an opportunity if this resolution is heard in the Finance Committee. Then you can ask the pertinent questions that you may have on this floor."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 121, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY INCLUDING ADMINISTRATION, LAW ENFORCEMENT, AND CORRECTIONS DIVISIONS," was referred to the

Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1339), recommending that H.C.R. No. 10, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 10, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF A TEMPORARY INTERDEPARTMENTAL EMERGENCY CONTRACEPTION INFORMATION WORKING GROUP WITHIN THE DEPARTMENT OF HEALTH TO DEVELOP A MECHANISM TO DISSEMINATE INFORMATION ON EMERGENCY CONTRACEPTION STATEWIDE," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1340), recommending that H.C.R. No. 272, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 272, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW HOUSE BILL 1706, RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT, AND MAKE RECOMMENDATIONS ON REASONABLE ALTERNATIVES FOR COMPLETING UNSPECIFIED PROVISIONS," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1341), recommending that H.R. No. 200, as amended in HD 1, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1342), recommending that H.C.R. No. 271, 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. 200, HD 1, and H.C.R. No. 271, HD 1, be referred to the Committee on Judiciary, seconded by Representative Ito.

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker, I'm rising with some reservations on Standing Committee Reports 1341 and 1342. Mr. Speaker, what these resolutions ask for is for the Office of Environmental Quality Control and the Environmental Center at University of Hawaii to prepare a guidance document to include the principles of environmental justice in all phases of a Chapter 343 review. Actually those principles already can be covered in the existing Chapter 343 process.

"What really is needed is a holistic look at Chapter 343, rather than diverting energies off to this one section. Since there's been about 14 years since Chapter 343 has been reviewed and with recommendations brought to us for

modifications, if any, I think that that's a much more appropriate focus. As part of that review, if the reviewers feel that environmental justice needs to be specifically mentioned or if they feel it's already included, as I believe they do within the broad language of Chapter 343, then they will bring those recommendations to us. So I don't really feel that this is a necessary measure. 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. 200, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ENVIRONMENTAL COUNCIL, WITH THE ASSISTANCE OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL AND THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER, TO DEVELOP AND PROMULGATE A GUIDANCE DOCUMENT ON INCLUDING PRINCIPLES OF ENVIRONMENTAL JUSTICE IN ALL PHASES OF ENVIRONMENTAL REVIEW UNDERTAKEN PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused; and

H.C.R. No. 271, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ENVIRONMENTAL COUNCIL, WITH THE ASSISTANCE OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL AND THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER, TO DEVELOP AND PROMULGATE A GUIDANCE DOCUMENT ON INCLUDING PRINCIPLES OF ENVIRONMENTAL JUSTICE IN ALL PHASES OF ENVIRONMENTAL REVIEW UNDERTAKEN PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1343), recommending that H.R. No. 159, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 159, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY ON THE FUTURE OF PHOTOVOLTAIC ELECTRICITY IN HAWAII," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1344), recommending that H.C.R. No. 212, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 212, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY ON THE FUTURE OF PHOTOVOLTAIC ELECTRICITY IN HAWAII," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1345), recommending that H.C.R. No. 72, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT AND DEVELOP PARTNERSHIPS WITH COMMUNITY-ORIENTED AGENCIES, ORGANIZATIONS, AND STUDENTS OF THE ISLAND OF HAWAII TO PROMOTE ACTIVITIES WHICH ENCOURAGE POSITIVE YOUTH OUTCOMES," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1346), recommending that H.R. No. 130, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PROGRAM BETWEEN THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND THE DEPARTMENT OF HUMAN SERVICES WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOL TO SELF-REGULATE AND MANAGE PRIVATE PRESCHOOLS," was referred to the Committee on Education with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1347), recommending that H.C.R. No. 175, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PROGRAM BETWEEN THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND THE DEPARTMENT OF HUMAN SERVICES WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOL TO SELF-REGULATE AND MANAGE PRIVATE PRESCHOOLS," was referred to the Committee on Education with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1348), recommending that H.C.R. No. 9, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1349),

recommending that H.C.R. No. 278, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO POST TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BUDGET INFORMATION ON ITS WEBSITE FOR PUBLIC REVIEW," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1350), recommending that H.R. No. 27, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 27, HD 1, entitled: "HOUSE RESOLUTION URGING COUNTIES TO MAKE A CONCERTED EFFORT TO DEVELOP A SENIOR TAX WORK-OFF PROGRAM TO HELP PAY REAL PROPERTY TAXES," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1351), recommending that H.C.R. No. 28, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 28, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING COUNTIES TO MAKE A CONCERTED EFFORT TO DEVELOP A SENIOR TAX WORK-OFF PROGRAM TO HELP PAY REAL PROPERTY TAXES," was referred to the Committee on Finance with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1352), recommending that H.C.R. No. 29, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 29, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES, FAMILY COURTS, GOVERNMENT AGENCIES, AND PRIVATE ORGANIZATIONS, TO COLLABORATE WITH THE OFFICE OF YOUTH SERVICES ON THE DEVELOPMENT OF AN ACTION PLAN TO ASSESS THE NEEDS OF AT-RISK YOUTH, IDENTIFY PROGRAMS, SERVICES, AND STRATEGIES TO ADDRESS THEIR NEEDS, AND PROVIDE SAFE ALTERNATIVES TO INCARCERATION FOR YOUTH STATEWIDE," was referred to the Committee on Judiciary with Representatives Cabanilla, Hale, Kanoho, Morita, Nishimoto, and M. Oshiro being excused.

At 1:43 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 1:45 o'clock p.m.

Representative Arakaki, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1360) recommending that H.R. No. 90, be adopted; and

(Stand. Com. Rep. No. 1361) recommending that H.C.R. No. 117, be adopted.

Representative B. Oshiro moved that notwithstanding the reports of the Committee, that H.R. No. 90 and H.C.R. No. 117 be recommitted to the Committee on Health, seconded by Representative Ito.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the reports of the Committee were adopted and H.R. No. 90, entitled: "HOUSE RESOLUTION RENAMING THE HAWAII RX PLUS PRESCRIPTION DRUG PROGRAM THE "TAKUMI-MENOR AFFORDABLE PRESCRIPTION DRUG PROGRAM" IN RECOGNITION OF REPRESENTATIVE TAKUMI'S AND SENATOR MENOR'S EFFORTS TO PROVIDE AFFORDABLE PRESCRIPTION DRUGS TO HAWAII CONSUMERS," was recommitted to the Committee on Health, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused; and

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION RENAMING THE HAWAII RX PLUS PRESCRIPTION DRUG PROGRAM THE "TAKUMI-MENOR AFFORDABLE PRESCRIPTION DRUG PROGRAM" IN RECOGNITION OF REPRESENTATIVE TAKUMI'S AND SENATOR MENOR'S EFFORTS TO PROVIDE AFFORDABLE PRESCRIPTION DRUGS TO HAWAII CONSUMERS," was recommitted to the Committee on Health, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1353) recommending that H.C.R. No. 113, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representatives Herkes and Chang, for the Committee on Economic Development & Business Concerns and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1354) recommending that H.C.R. No. 5, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committees was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO ESTABLISH A SOUTH KONA-KA'U COASTAL CONSERVATION PARTNERSHIP," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1355) recommending that H.C.R. No. 78, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF ESTABLISHING PENALTIES FOR THE CAPTURE OR DESTRUCTION OF MANTA RAYS WITHIN THE MARINE WATERS OF THE STATE OF HAWAII," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1356) recommending that H.C.R. No. 88, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES CONSIDER IMPOSING RESTRICTIONS ON PUBLIC ACCESS TO THE AHIHI-KINAU NATURAL AREA RESERVE," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1357) recommending that H.C.R. No. 91, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PARTICIPATION IN THE FEDERAL PROGRAM TO ASSIST STATES IN OBTAINING SCRAPPED FEDERAL SHIPS TO USE AS ARTIFICIAL REEFS IN THE WATERS OF THE STATE OF HAWAII," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1358) recommending that H.C.R. No. 249, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representatives Morita and Waters, for the Committee on Energy & Environmental Protection and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1359) recommending that H.C.R. No. 141, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 141, HD 1, be adopted, seconded by Representative Ito.

Representative Green rose to disclose a potential conflict of interest, stating:

"I request a ruling on a potential conflict. I co-authored the research paper that spurred House Concurrent Resolution 141, HD 1 into action," and the Chair ruled "no conflict."

Representative Green continued in support of the measure, stating:

"In support, Mr. Speaker. We had findings in that study that vog did affect people's health and so, I do think that it's a potentially good resolution for the health of the people of the Big Island of Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ACTIVELY MONITOR LEVELS OF SULFUR DIOXIDE AND ESTABLISH A VOG INDEX ADVISORY PROGRAM FOR THE ENTIRE ISLAND OF HAWAII," was adopted, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1362) recommending that S.B. No. 1883, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 1883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILOLI'I FISHERIES MANAGEMENT AREA," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representatives Kanoho and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1363) recommending that S.B. No. 1893, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1893, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Ito.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I have a reservation on Standing Committee Report 1363. Mr. Speaker, this can be accomplished through the exemption list that is maintained by the various departments. And I think that's better than going in and piecemealing a law that's very important to our natural resources. The exemption list is the better process. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative 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 Committees was adopted and S.B. No. 1893, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.



Representatives Takumi and Sonson, for the Committee on Education and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1364) recommending that S.B. No. 1018, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1018, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Ito.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1018, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1365) recommending that S.B. No. 842, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 842, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1366) recommending that S.B. No. 459, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 459, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1367) recommending that S.B. No. 943, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 943, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1368) recommending that S.B. No. 944, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 944, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1369) recommending that S.B. No. 945, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 945, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1370) recommending that S.B. No. 1045, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 1045, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1371) recommending that S.B. No. 1046, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 1046, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1372) recommending that S.B. No. 1047, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and S.B. No. 1047, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.



On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro were excused.)

### THIRD READING

#### S.B. No. 575, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 575, SD 1, HD 1, pass Third Reading, seconded by Representative Ito.

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support. I think this is a worthy endeavor. I'm just always opposed to creating more special funds. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 575, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION FUND," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

#### S.B. No. 637, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, S.B. No. 637, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

#### S.B. No. 789, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, S.B. No. 789, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

#### S.B. No. 1699, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, S.B. No. 1699, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

#### S.B. No. 1129, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, S.B. No. 1129, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 36 ayes to 10 noes, with Representatives Ching, Evans, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

#### S.B. No. 60, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, S.B. No. 60, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Kanoho, Luke, Morita and M. Oshiro being excused.

At 1:51 o'clock p.m., the Chair noted that S.B. Nos.: 575, SD 1, HD 1; 637, SD 2, HD 1; 789, HD 1; 1699, SD 1, HD 1; 1129, SD 2, HD 1; and 60, SD 1, HD 1, passed Third Reading.

### ANNOUNCEMENTS

Representative Arakaki: "Thank you, Mr. Speaker, and happy April Fool's Day. This is not an April fool joke. We do have for all those who are stressed out or who want to relax and take a break. We have the Massage Therapist Association of Hawaii and the American Massage Therapy Association of Hawaii Chapter offering massages from 1:00 p.m. to 5:00 p.m. for the House Members and staff on the fourth floor of the lanai. So everyone's welcome to get their massage. Thank you, Mr. Speaker."

Representative Moses: "Thank you, Mr. Speaker. With your indulgence, I'd just like to ask the Members a couple of questions. I don't expect them to answer me right here. But for the Members, did you ever have red on your nose and cheeks after being in the sun? What about at other times? Do you ever have any headaches or any body aches or swelling? Have you ever had any small sores in your mouth like when you accidentally bite the inside of your cheek, but you didn't bite your cheek? Do you have any of these sores without any pain?"

"Mr. Speaker, let me go back to when I was young. As a youngster I frequently had allergy attacks and bouts with poison oak. I was a scuba dive master and later the mission commander for aircraft taking off and landing on aircraft carriers. So I had extensive physicals every year especially in the military, flight physicals each and every year, very detailed. And then I came to Hawaii once and I was stationed here at Camp Smith in the G3 and I had poison oak. The 3-Star General here was very surprised, as was I, because there is no poison oak in Hawaii. Well, we didn't know what was going on.

"After I left here, I went to Bethesda and Walter Reed and doctors looked at me and I was still flying for a while. Then, when I was back here one time, I went to Tripler with my gums bleeding and it wasn't from lack of oral hygiene. I mean I had towels full of blood on my mouth for no apparent reason. Well the thing is, I had Lupus.

"Lupus is the great imitator. It imitates many other things. Mr. Speaker, it's very hard to diagnose. But today, is Lupus Alert Day. And I hope all my colleagues can understand how severe this disease is.

"About 1.5 million Americans have some form of Lupus. I have Systemic Lupus Erythematosus, SLE. It's a chronic disease that can result in severe joint pain and swelling. Fevers, fatigue, skin rashes, anemia, chest pains, sun sensitivity and other health affects including organ failure and death. It's chronic. It's life long. It's an autoimmune disease in which your body is attacking your body, basically. Your autoimmune system is attacking your body's tissue and organs instead of protecting against viruses, bacteria, and other foreign substances; the joints, kidneys, heart, lungs, brain, blood and skin. Those of you who have been here a while, remember I spent about a five-year period in wheelchair, crutches, canes, etc.

"It's a horrible illness and it wrecks havoc on you and your families. Among other things, Lupus can require surgery on hips because blood just doesn't flow to the bone and the bone dies. That's one of the things that happened to me.

"It can require kidney dialysis and chemotherapy to slow down the kidney damage. About 30% of Lupus patients have kidney involvement. Not all, necessarily, need a transplant. It can also cause seizures and strokes.

"One out of 185 people have Lupus nationally. It's a very common disease, Mr. Speaker. Applied to Hawaii, it means about 7,000 to 10,000 islanders are affected. 9 out of 10 people diagnosed with Lupus are women. My belief is it's because men are usually doing manual labor or they're just too proud to go to the doctor and say my muscles hurt, my bones hurt, or I don't feel good.

"The cause of Lupus is unknown and it's difficult to diagnose because it mimics so many other illnesses. Treatments vary depending on the symptoms that each patient has.

"Today is Lupus Alert Day because it is April Fool's Day. It is the disease that fools you. For more information you can contact my office or the Hawaii Lupus Foundation. Thank you."

#### ADJOURNMENT

At 1:56 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, April 4, 2005. (Representatives Cabanilla, Chang, Luke, Kanoho, Morita and M. Oshiro were excused.)

## FORTY-SECOND DAY

Monday, April 04, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bud Stonebraker, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Souki, Takai and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-First Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 403 through 413) were received and announced by the Clerk:

Sen. Com. No. 403, transmitting H.B. No. 8, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY SERVICE," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 404, transmitting H.B. No. 119, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 405, transmitting H.B. No. 313, entitled: "A BILL FOR AN ACT RELATING TO 911 EMERGENCY SERVICE," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 406, transmitting H.B. No. 496, entitled: "A BILL FOR AN ACT RELATING TO PETTY MISDEMEANORS," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 407, transmitting H.B. No. 894, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 408, transmitting H.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, 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," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 409, transmitting H.B. No. 320, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 410, transmitting H.B. No. 624, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 411, transmitting H.B. No. 644, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED

INSURANCE," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 412, transmitting H.B. No. 785, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on April 1, 2005.

Sen. Com. No. 413, transmitting H.B. No. 806, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," which passed Third Reading in the Senate on April 1, 2005.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Hiraki, Souki, Takai and Takumi were excused.)

H.B. No. 320, HD 1  
H.B. No. 624  
H.B. No. 644, HD 1  
H.B. No. 785, HD 1  
H.B. No. 806, HD 1

## DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 31) was received by the Clerk and was placed on file:

Dept. Com. No. 31, Department of Commerce and Consumer Affairs, Division of Financial Institutions, transmitting their 2004 Annual Report.

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Finnegan, on behalf of Representatives Abinsay, Arakaki, Magaoay and herself, introduced constituent, Mr. Paul Limos who accompanied them during their Pangasinan trip.

Representative Abinsay introduced his friend, Mr. Ernie Pascual.

Representative Ching introduced noted comedian, Mr. Andy Bumatai.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred to committee by the Speaker:

S.B.  
Nos.Re-referred to:

579,  
SD2

Committee on Finance

1702,  
SD1,  
HD1

Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

The following concurrent resolution was re-referred to committee by the Speaker:

**H.C.R.****No. Re-referred to:**

234 Committee on Health, then to the Committee on Finance

**INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 236 and 237) were announced by the Clerk and the following action taken:

H.R. No. 236, entitled: "HOUSE RESOLUTION CONGRATULATING THE FILIPINO NURSES ORGANIZATION OF HAWAII ON ITS 32ND ANNIVERSARY," was offered by Representative Cabanilla.

Representative Cabanilla, moved that H.R. No. 236 be adopted, seconded by Representative Lee.

Representative Cabanilla commended and congratulated the Filipino Nurses Organization of Hawaii, and Representative Arakaki recognized the late Mrs. Ines Viernes Cayaban, founder of the Organization.

The following Representatives introduced the honorees who have achieved exemplary contribution and service in nursing to the people of Hawaii, and were seated on the floor of the House:

Representative Arakaki introduced Ms. Estela Bugtong, founder of the Operation Nightingale program;

Representative Green introduced Ms. Luz Gantan nursing educator and community service volunteer;

Representative Kanoho introduced Mr. Ron Oman, 2003 Excellence in Nursing Leadership Award;

Representative Sonson introduced Ms. Agnes Reyes, President of the Filipino Nurses Organization of Hawaii, and President and owner of Case Management Professionals; and

Representative Lee introduced Ms. Elsa Talavera, owner and clinical administrator of Ramiro-Anderson & Talavera Case Management Agency.

Representative Sonson then introduced family and friends of the honorees who were seated in the gallery:

Mr. Edgar Talavera, Mr. Richardson Talavera, Ms. Mercedes Ramiro-Anderson, Mr. Luis Gantan, Mr. Lester Gantan, Ms. Lenore Ginoza, Ms. Gloria Aves, Ms. Cen Ganibi, Ms. Evelyn Santos, Mr. Carlos Santos, Ms. Lyn Yoshioka, Ms. Lynn Sales, Mr. Barry Bugtong, Ms. Vikk Bugtong, Mr. Manuel Reyes, Ms. Anna Aquino, Ms. Dinah Vulafraanca, Ms. Gilda Hayes, Ms. Marcella Oman, and Mr. Matthew Oman.

Representative Cabanilla later introduced Ms. Patty Johnson of the Department of Human Services, and Ms. Jocine Rojas.

The motion was put to vote by the Chair and carried, and H.R. No. 236 was adopted with Representatives Caldwell, Nakasone, Souki, Takai and Takumi being excused.

H.R. No. 237, entitled: "HOUSE RESOLUTION CONGRATULATING PRODUCER CHARLES MICHAEL BROTMAN, WINNER OF THE FIRST EVER BEST HAWAIIAN MUSIC ALBUM GRAMMY AWARD," was jointly offered by Representatives Chang and Karamatsu.

Representative Chang, moved that H.R. No. 237 be adopted, seconded by Representative Karamatsu.

Representative Chang introduced the honoree, Mr. Charles Michael Brotman who was seated on the floor of the House.

Representative Karamatsu then introduced the following honorees accompanying Mr. Brotman who were also seated on the floor of the House:

Mr. Brotman's wife, Mrs. Joan Brotman; and his business manager and sister, Ms. Jody Brotman.

Hawaii Music Awards President, Mr. Johnny Kai, who championed the cause for Grammy Award recognition of Hawaiian music.

Slack key artists appearing on the award-winning *Slack Key Guitar, Volume 2* album: Mr. Sonny Lim of the Big Island, and Mr. Jeff Peterson of Maui.

Representative Chang also introduced the following family and friends who were seated in the gallery:

Mr. Aloha Joe of The Aloha Joe Radio Show;

Mr. Alan Yamamoto, President of the Hawaii Academy of Recording Arts which sponsors the *Na Hoku Hanohano Awards*;

Ms. Bonnie Ryder, Hawaii Academy of Recording Arts Office Manager;

Ms. Judy Drosd, Department of Business, Economic Development, and Tourism, Arts, Film and Entertainment Division Chief;

Ms. Tracy Young, Department of Business, Economic Development, and Tourism, Arts, Film and Entertainment Division Economic Development Specialist;

Ms. Pia Aarma, owner of Pineapple Tweed Public Relations Firm; and

Mrs. Brotman's family members, Mrs. Sherry Bumatai and her husband, Mr. Andy Bumatai; and Mrs. Anne Sueoka and her son Mr. Sam Sueoka.

Mr. Peterson's wife, Mrs. Danielle Peterson.

The motion was put to vote by the Chair and carried, and H.R. No. 237 was adopted with Representatives Caldwell, Nakasone, Souki, Takai and Takumi being excused.

At 12:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep.

No. 1383), recommending that H.C.R. No. 36, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 36, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure with reservations, stating:

Thank you, Mr. Speaker, on the first item, I have reservations. Mr. Speaker, there are three resolutions asking the Auditor to do audits. But I'll just speak on one of them."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 36, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR THE EARLY DETECTION OF PROSTATE CANCER IN ACCORDANCE WITH NATIONALLY RECOGNIZED AND ACCEPTED PROSTATE CANCER EARLY DETECTION GUIDELINES," was referred to the Committee on Finance with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1384), recommending that H.R. No. 148, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 148, HD 1, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was referred to the Committee on Judiciary with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1385), recommending that H.C.R. No. 196, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 196, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was referred to the Committee on Judiciary with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1386), recommending that H.C.R. No. 103, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 103, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I just have reservations on Stand. Com. Report 1386. I understand that this is just a follow-up audit. However, being on the Housing Committee, I have become very impressed with the leaders of this Department. By the

time they are done next year with their plans, they will have built more homes for Hawaiians than any previous Department in a four-year time period. So, I just believe that we could perhaps use our money for something else that's needed. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Pine be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Halford rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, this is another resolution on this, at the bottom of the page. This is the second one. And I might as well take this opportunity to speak. Mr. Speaker, my reservations are two-fold. One is that we have so many requests of the Auditor to do audits that I don't believe that we have sufficiently funded that Office to be able to do them all. At some point, I guess in the Finance Committee, there needs to be some prioritizing as to which ones we actually would do.

"And then the second point is pointing out that this particular resolution is asking for a management audit, that our Constitution, Article VII, Section 10, requires management or performance audits of all State activities. If we had implemented that requirement, then this audit would have already just been done recently or would be done within the next year or so anyway, and there would be no reason to ask people to come and testify and get all worked up on these issues. They would just be done automatically and be a tremendous tool for us as the Body that holds the 'purse strings' of this State. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with reservations on SCR 1386, for the reasons that my colleague from Ewa so well articulated. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL PROGRAM AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1387), recommending that H.R. No. 33, be referred to the Committee on International Affairs.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 33, entitled: "HOUSE RESOLUTION RECOGNIZING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS AS AN UNDERREPRESENTED MINORITY GROUP AND URGING ALL SCHOLARSHIPS, FELLOWSHIPS, AND OTHER ACADEMIC PROGRAMS THAT GIVE PREFERENCE OR LIMIT ACCESS TO UNDERREPRESENTED MINORITIES TO RECOGNIZE NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS AS A DISTINCT AND UNDERREPRESENTED MINORITY," was referred to the Committee on International Affairs with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1388), recommending that H.C.R. No. 41, be referred to the Committee on International Affairs.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS AS AN UNDERREPRESENTED MINORITY GROUP AND URGING ALL SCHOLARSHIPS, FELLOWSHIPS, AND OTHER ACADEMIC PROGRAMS THAT GIVE PREFERENCE OR LIMIT ACCESS TO UNDERREPRESENTED MINORITIES TO RECOGNIZE NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS AS A DISTINCT AND UNDERREPRESENTED MINORITY," was referred to the Committee on International Affairs with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1389), recommending that H.R. No. 147, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION ADOPTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was referred to the Committee on Judiciary with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1390), recommending that H.C.R. No. 195, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 195, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was referred to the Committee on Judiciary with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1391), recommending that H.C.R. No. 58, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 58, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations on SCR 1391. It's just because the Inspector General is doing an audit as well, and it will be covering the same information. It's an opportunity for us to save some money. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you. Reservations as well, for the duplication that seems to be put forth. Thank you."

Representative Meyer 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.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FISCAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HUMAN SERVICES' USE OF FEDERAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES FUNDS," was referred to the Committee on Finance with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1392), recommending that H.R. No. 54, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 54, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING RESPECTFUL AND DIGNIFIED CARE FOR THE ELDERLY," was referred to the Committee on Finance with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1393), recommending that H.C.R. No. 63, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 63, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING RESPECTFUL AND DIGNIFIED CARE FOR THE ELDERLY," was referred to the Committee on Finance with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1394) recommending that H.C.R. No. 131, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 131, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations for Stand. Com. Rep. 1394, in light of the fact that there might be a pending DLNR audit.

"This is a little bit premature. I'm concerned that in this particular request, we are looking at enabling the DLNR to address potential conflicts within the conservation district by allowing commercial users and those who enjoy hook and line fishing for akule to co-exist. I'm concerned because it is a conservation district, and that we need to look at all of the rules and regulations and not necessarily blanketly direct the DLNR to make changes at this moment. Thank you."



The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 131, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND TITLE 13, CHAPTER 34, HAWAII ADMINISTRATIVE RULES, THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT, OAHU, TO ALLOW HOOK AND LINE POLE FISHING FOR AKULE," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1395) recommending that H.C.R. No. 4, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 4, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO INVESTIGATE THE ADVISABILITY OF ENTERING INTO INTERSTATE COMPACTS WITH OTHER STATES CONCERNING CERTAIN PERILS AFFECTING THE COST OF PROPERTY AND CASUALTY INSURANCE," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1396) recommending that H.C.R. No. 287, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 287, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES, WORKING JOINTLY WITH THE COUNTIES AND THE UNITED STATES ARMY CORPS OF ENGINEERS, TO CONDUCT A STUDY ON FLOOD MITIGATION MEASURES FOR STREAMS IN THE KANEOHE AREA," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1397) recommending that H.R. No. 113, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1398) recommending that H.C.R. No. 151, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 113, HD 1, and H.C.R. No. 151, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Arakaki rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Arakaki's written remarks are as follows:

"I appreciate the opportunity to submit this testimony on behalf of the Chairperson of International Student/Young Pugwash, on HCR 151 and HR 113.

"As Chairperson of International Student/Young Pugwash (ISYP), a youth organization affiliated to the Nobel Peace

Prize winning Pugwash Conferences on Science and World Affairs, I have become acquainted with the project of establishing a Global Youth Center in Hawaii.

International Student/Young Pugwash's awareness of the Global Youth Center, the HCR 151, and the HR 113 came through our direct involvement in the Global Youth Challenge, a collaboration with Stephanie McCandless Reford, directed at preparing the future generations of citizens to cope with the challenges that the world has in store.

Our search for strategic partners for the Global Youth Challenge has led us to encounter a wide variety of both people and institutions, ranging from Nobel Prize laureates to organizations such as the World Bank Group and the International Atomic Energy Agency. However, it was in Hawaii where we found the support needed to give a sound foundation to the project through the generosity of the East-West Center.

We trust that with the support of the Hawaiian Legislature, the East-West Center, and other local and international actors, a Hawaii-based, global-reaching youth project will be at arms reach in the very short term. This shall become, hopefully, in the platform for introducing a new generation of citizens to a new way of thinking and acting about the world's most pressing problems.

I thank you for this invaluable opportunity.  
Sincere regards,

Juan Pablo Pardo-Guerra  
Chair of the Executive Board  
International Student/Young Pugwash  
[www.student-pugwash.org](http://www.student-pugwash.org)"

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 113, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HAWAII GLOBAL YOUTH CENTER," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused; and

H.C.R. No. 151, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HAWAII GLOBAL YOUTH CENTER," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1399) recommending that H.C.R. No. 178, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND REPORT ON WASTE MANAGEMENT STRATEGIES FOR AUTOMOBILES, AUTOMOTIVE PRODUCTS, AND ELECTRONIC WASTE," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1400) recommending that H.R. No. 49, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING THAT THE PRESIDENT

AND CONGRESS RECOGNIZE AN OFFICIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES GOVERNMENT AND THE INDIGENOUS HAWAIIAN PEOPLE," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1401) recommending that H.C.R. No. 56, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE PRESIDENT AND CONGRESS RECOGNIZE AN OFFICIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES GOVERNMENT AND THE INDIGENOUS HAWAIIAN PEOPLE," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1402) recommending that H.R. No. 55, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 55, entitled: "HOUSE RESOLUTION DECLARING OCTOBER 29, 2005, AS SAMUEL MANAIKALANI KAMAKAU DAY," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1403) recommending that H.C.R. No. 66, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING OCTOBER 29, 2005, AS SAMUEL MANAIKALANI KAMAKAU DAY," was adopted, with Representatives Caldwell, Souki, Takai and Takumi being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1404) recommending that S.B. No. 956, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 956, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Caldwell, Souki, Takai and Takumi being excused.

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Caldwell, Souki, Takai and Takumi were excused.)

#### THIRD READING

**S.B. No. 1253, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 1883, SD 2, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILOLI'I FISHERIES MANAGEMENT AREA," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 1893, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1893, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 1018, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1018, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 842, SD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 842, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 459, SD 2, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 459, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 943, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 943, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.

**S.B. No. 944, SD 1, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 944, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Souki, Takai and Takumi being excused.



1; 842, SD 1; 459, SD 2, HD 1; 943, SD 1, HD 1; 944, SD 1, HD 1; 945, SD 1, HD 1; 1045, SD 1, HD 1; 1046, SD 1, HD 1; 1047, SD 1, HD 1; 1048, SD 1, HD 1; 1049, SD 1, HD 1; 1050, SD 1, HD 1; 1579, SD 1, HD 1; 1580, SD 1, HD 1; 1581, SD 1, HD 1; 1582, SD 1, HD 1; 1583, SD 1, HD 1; 1584, SD 1, HD 1; and 1585, SD 1, HD 1, passed Third Reading.

the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 320, HD 1, SD 1  
 H.B. No. 624, SD 1  
 H.B. No. 644, HD 1, SD 1  
 H.B. No. 785, HD 1, SD 1  
 H.B. No. 806, HD 1, SD 1

### ANNOUNCEMENTS

Representative Cabanilla: "Mr. Speaker, I would like to invite you and my colleagues for a light lunch in Room 329 after session."

Representative Arakaki: "Thank you, Mr. Speaker. Today is the first day of HMSA's fitness challenge to legislators. It's called 'Legislators on the Move'. It's the second annual. I want to make sure everybody has their pedometer; have it clipped on to your belt to record all the walking that you do at the Capitol. And do some extra walking if you can. I think the goal is 10,000 a week.

"There are prizes that will be donated to the schools in the districts of the top four legislators. So we have some incentives to walk and keep walking for our fitness and now I would like to yield to my Vice Chair for further announcements."

Representative Green: "Thank you, Mr. Speaker. I just wanted to announce that people should contact our office at any time during the day and talk to any one of my staff to sign up for this program. It's quite a good program. A lot of these indicators are terrific projectors of how we're going to fair in our older age in our 40s, 50s, 60s, 70s and beyond. There's a lot of great research going on that does indicate that our body fat and our blood pressure and so on, will determine how healthy we are in the future. So, I encourage everyone to participate. Thank you."

Representative M. Oshiro: "Mr. Speaker, after the announcements, I would ask for your indulgence to have a moment of silence for one of our great leaders who passed away the other day."

Representative B. Oshiro moved that the House of Representatives adjourn until 12:00 noon tomorrow, Tuesday, April 5, 2005, seconded by Representative Meyer and carried. (Representatives Caldwell, Souki, Takai and Takumi were excused.)

At this time, the House of Representatives stood for a moment of silence in memory of Pope John Paul II.

### ADJOURNMENT

At 12:56 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, April 5, 2005.

### HOUSE COMMUNICATIONS

House Communication dated April 4, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing

## FORTY-THIRD DAY

Tuesday, April 5, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Bill Neal of the Church of Jesus Christ of Latter-Day Saints, after which the Roll was called showing all members present with the exception of Representatives Chong, Hiraki, Kanoho, Souki, Takai and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Second Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 414 through 423) were received and announced by the Clerk:

Sen. Com. No. 414, transmitting H.B. No. 161, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 415, transmitting H.B. No. 214, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 416, transmitting H.B. No. 553, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 417, transmitting H.B. No. 833, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 418, transmitting H.B. No. 1413, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 419, transmitting H.B. No. 1450, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 420, transmitting H.B. No. 1453, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 421, transmitting H.B. No. 1712, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 4, 2005.

Sen. Com. No. 422, transmitting H.B. No. 1715, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," which passed Third Reading in the Senate on April 4, 2005.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Chong, Hiraki, Kanoho, Takai and Takumi were excused.)

H.B. No. 161, H.D. 1  
H.B. No. 214, H.D. 1  
H.B. No. 553, H.D. 1  
H.B. No. 833, H.D. 1  
H.B. No. 1413, H.D. 1  
H.B. No. 1450, H.D. 2  
H.B. No. 1453, H.D. 1  
H.B. No. 1712, H.D. 1  
H.B. No. 1715, H.D. 1

Sen. Com. No. 423, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 60, S.D. 1, H.D. 1  
S.B. No. 575, S.D. 1, H.D. 1  
S.B. No. 637, S.D. 2, H.D. 1  
S.B. No. 789, H.D. 1  
S.B. No. 1129, S.D. 2, H.D. 1  
S.B. No. 1699, S.D. 1, H.D. 1

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENT

The following Senate bill was re-referred to committee by the Speaker:

<u>S.B.</u> <u>No.</u>	<u>Re-referred to:</u>
817, SD2	Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1405), recommending that H.R. No. 205, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 205, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO POST TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BUDGET INFORMATION ON ITS WEBSITE FOR PUBLIC REVIEW," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1406), recommending that H.R. No. 88, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC

HEALTH AND MEDICAL RECORDS MANAGEMENT," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1407), recommending that H.C.R. No. 114, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC HEALTH AND MEDICAL RECORDS MANAGEMENT," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1408), recommending that H.C.R. No. 35, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR INITIAL MEDICAL VISITS AND PSYCHOLOGICAL ASSESSMENTS, EVEN WHEN SUCH MEDICAL VISITS AND PSYCHOLOGICAL ASSESSMENTS MAY INCLUDE PREVIOUSLY UNDIAGNOSED MEDICAL AND PSYCHOLOGICAL CONDITIONS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1409), recommending that H.R. No. 26, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 26, HD 1, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE DEVELOPMENT OF COORDINATED SCHOOL HEALTH BY THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, AND UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1410), recommending that H.C.R. No. 23, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 23, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE DEVELOPMENT OF COORDINATED SCHOOL HEALTH BY THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, AND UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1411), recommending that H.C.R. No. 80, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 80, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1412), recommending that H.R. No. 68, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1413), recommending that H.C.R. No. 92, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1414), recommending that H.R. No. 65, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 65, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO ADOPT POLICIES AND PROGRAMS THAT PROMOTE SCHOOL CONNECTEDNESS AND ADDRESS BEHAVIORAL CHANGES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1415), recommending that H.C.R. No. 85, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO ADOPT POLICIES AND PROGRAMS THAT PROMOTE SCHOOL CONNECTEDNESS AND ADDRESS BEHAVIORAL CHANGES," was referred to the

Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1416), recommending that H.C.R. No. 213, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 213, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, thank you, in support with reservations on Standing Committee Report 1416, on the bottom of the page. I would like to simply point out again, that one, we've under funded the Auditor's office to do the job that Article 7, Section 10 of the Constitution requires, and to point out that we already do financial audits of State spending. However, if we really want to learn something new, management or performance audits would be in order as required in Article 7, Section 10. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SYSTEMWIDE FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1417), recommending that H.R. No. 203, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 203, entitled: "HOUSE RESOLUTION URGING THE APPROPRIATION OF MONEYS TO FUND FACULTY POSITIONS AND CURRICULUM DEVELOPMENT AND SUPPORT FOR ILOCANO, FILIPINO, AND PHILIPPINE STUDIES AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1418), recommending that H.C.R. No. 275, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE APPROPRIATION OF MONEYS TO FUND FACULTY POSITIONS AND CURRICULUM DEVELOPMENT AND SUPPORT FOR ILOCANO, FILIPINO, AND PHILIPPINE STUDIES AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1419), recommending that H.R. No. 108, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 108, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1420), recommending that H.C.R. No. 146, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Waters and Arakaki, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1421), recommending that H.C.R. No. 38, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO FULLY FUND ALL OF ITS NURSING PROGRAMS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Waters and Arakaki, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1422), recommending that H.C.R. No. 232, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 232, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF MEDICINE, DEPARTMENT OF PSYCHIATRY, AND THE DEPARTMENT OF HEALTH, ADULT MENTAL HEALTH DIVISION, TO REESTABLISH THE PSYCHIATRIC RESIDENCY STIPEND PROGRAM TO MEET THE MENTAL HEALTH CARE NEEDS OF UNDERSERVED AREAS AND POPULATIONS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1423), recommending that H.C.R. No. 200, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 200, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1424), recommending

that H.C.R. No. 25, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 25, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CULTURAL PERPETUATION IN RURAL HAWAIIAN COMMUNITIES," was referred to the Committee on Water, Land, & Ocean Resources with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1425), recommending that H.R. No. 144, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 144, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO PARTNER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE THE STATE'S HISTORICAL MAPS THROUGH DIGITAL MAPPING," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1426), recommending that H.C.R. No. 192, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO PARTNER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE THE STATE'S HISTORICAL MAPS THROUGH DIGITAL MAPPING," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Waters and Arakaki, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1427), recommending that H.R. No. 75, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 75, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH AND HEAD A TASK GROUP TO CONDUCT A FEASIBILITY STUDY, HOST PUBLIC FORUMS, AND PROPOSE RECOMMENDATIONS ON STEM CELL RESEARCH," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Waters and Arakaki, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1428), recommending that H.C.R. No. 100, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 100, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH AND HEAD A TASK GROUP TO CONDUCT A FEASIBILITY

STUDY, HOST PUBLIC FORUMS, AND PROPOSE RECOMMENDATIONS ON STEM CELL RESEARCH," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Takumi, Waters and Hale, for the Committee on Education and the Committee on Higher Education and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1429), recommending that H.R. No. 172, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 172, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, UNIVERSITY OF HAWAII, AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO SUPPORT COMMUNITY EFFORTS TO ESTABLISH STUDENT, FACULTY, AND ADMINISTRATIVE STAFF EXCHANGE PROGRAMS FOR PUBLIC AND PRIVATE HIGH SCHOOLS AND COLLEGES AND UNIVERSITIES IN HAWAII WITH SCHOOLS IN THE PROVINCES AND PREFECTURES WITH WHICH THE STATE HAS STATE-PROVINCE-PREFECTURE RELATIONSHIPS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Takumi, Waters and Hale, for the Committee on Education and the Committee on Higher Education and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1430), recommending that H.C.R. No. 236, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 236, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, UNIVERSITY OF HAWAII, AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO SUPPORT COMMUNITY EFFORTS TO ESTABLISH STUDENT, FACULTY, AND ADMINISTRATIVE STAFF EXCHANGE PROGRAMS FOR PUBLIC AND PRIVATE HIGH SCHOOLS AND COLLEGES AND UNIVERSITIES IN HAWAII WITH SCHOOLS IN THE PROVINCES AND PREFECTURES WITH WHICH THE STATE HAS STATE-PROVINCE-PREFECTURE RELATIONSHIPS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1431), recommending that H.R. No. 85, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 85, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A PERMANENT STATE CULTURAL PUBLIC MARKET WITHIN THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1432), recommending that H.C.R. No. 111, as amended in HD 1, be referred to the Committee on Finance.



On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 111, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A PERMANENT STATE CULTURAL PUBLIC MARKET WITHIN THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1433), recommending that H.R. No. 193, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 193, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TRAINING PROGRAM IN CONJUNCTION WITH THE LOCAL REAL ESTATE APPRAISER'S NATIONAL ORGANIZATION AS PART OF THEIR PROFESSIONAL EDUCATIONAL SEMINARS TO TRAIN REAL ESTATE APPRAISERS TO USE THE INCOME CAPITALIZATION APPROACH TO SET LEASE RENT RATES FOR STATE AGRICULTURAL LEASE REOPENING," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1434), recommending that H.C.R. No. 262, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TRAINING PROGRAM IN CONJUNCTION WITH THE LOCAL REAL ESTATE APPRAISER'S NATIONAL ORGANIZATION AS PART OF THEIR PROFESSIONAL EDUCATIONAL SEMINARS TO TRAIN REAL ESTATE APPRAISERS TO USE THE INCOME CAPITALIZATION APPROACH TO SET LEASE RENT RATES FOR STATE AGRICULTURAL LEASE REOPENING," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1435), recommending that H.C.R. No. 132, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 132, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LAND USE COMMISSION TO ESTABLISH A TASK FORCE TO CONSIDER THE ADOPTION OF GUIDELINES ON PERMITTED USES FOR SPECIAL PERMITS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1436), recommending that H.R. No. 171, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 171, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH THE HAWAII CERVICAL CANCER ELIMINATION TASK FORCE," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1437), recommending that H.C.R. No. 228, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 228, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH THE HAWAII CANCER ELIMINATION TASK FORCE TO DEVELOP A STRATEGIC PLAN FOR ESTABLISHING HAWAII AS A CENTER FOR CANCER DETECTION AND TREATMENT, BASED ON EMERGING VIRTUAL BIOPSY TECHNOLOGIES AND CANCER TREATMENT MODALITIES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1438), recommending that H.C.R. No. 255, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 255, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING AN INTERIM TASK FORCE ON THE ACCESSIBILITY OF MENTAL HEALTH CARE TO CONSIDER THE FEASIBILITY OF THE STATE AUTHORIZING TRAINED AND SUPERVISED PSYCHOLOGISTS TO SAFELY PRESCRIBE PSYCHOTROPIC MEDICATIONS FOR THE TREATMENT OF MENTAL ILLNESS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1439), recommending that H.R. No. 82, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ASSIST IN THE REESTABLISHMENT OF THE CHILD AND ADOLESCENT MENTAL HEALTH UNIT, KNOWN AS THE MOLOKINI UNIT, AT MAUI MEMORIAL MEDICAL CENTER, IN ORDER TO PROMOTE A LOCAL SYSTEM OF CARE ON THE ISLAND OF MAUI BASED ON THE HAWAII CHILD AND ADOLESCENT SYSTEM PROGRAM PRINCIPLES AND CONSISTENT WITH THE MANDATES OF THE 1997 FELIX CONSENT DECREE," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1440), recommending that H.C.R. No. 109, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ASSIST IN THE REESTABLISHMENT OF THE CHILD AND ADOLESCENT MENTAL HEALTH UNIT, KNOWN AS THE MOLOKINI UNIT, AT MAUI MEMORIAL MEDICAL CENTER, IN ORDER TO PROMOTE A LOCAL SYSTEM OF CARE ON THE ISLAND OF MAUI BASED ON THE HAWAII CHILD AND ADOLESCENT SYSTEM PROGRAM PRINCIPLES AND CONSISTENT WITH THE MANDATES OF THE 1997 FELIX CONSENT DECREE," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1441), recommending that H.R. No. 166, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 166, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND STRENGTHEN ITS WATER QUALITY STANDARDS AND PRACTICES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1442), recommending that H.C.R. No. 222, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 222, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND STRENGTHEN ITS WATER QUALITY STANDARDS AND PRACTICES," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1443), recommending that H.C.R. No. 229, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 229, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO EVALUATE THE IMPACT OF THE PHYSICIAN "ON-CALL" CRISIS ON THE QUEEN'S MEDICAL CENTER TRAUMA CENTER'S ABILITY TO PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE OF HAWAII AND TO RECOMMEND APPROPRIATE PRIVATE SECTOR AND GOVERNMENT RESPONSES TO THE "ON-CALL" CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1444), recommending that H.R. No. 74, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1445), recommending that H.C.R. No. 99, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 74 and H.C.R. No. 99, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Evans rose to speak in opposition to both measures, stating:

"I rise on Stand. Com. Rep. 1444 and 1445 on page 13. And they both relate to the designation of all of Hawaii's airports as smoke-free areas from airplane cabin to airport curb. I stand in opposition. Thank you.

"Mr. Speaker, I travel, being a Neighbor Island legislator, through the airport every week. And I too dislike the fact that in our inter-island terminal we have smokers standing in the breezeway and people, our tourists and all of us have to walk through the smoke. I think that's really not a good situation.

"But what strikes me is having traveled so much as I do, and having been in a lot of other airports around the United States and the world, what strikes me is that our airport is probably due for an overhaul and for us to go in and upgrade it. And one of the things that I think is lacking is really good designated smoke areas. If you go to modern airports they have what they call 'smoking rooms' and in those rooms they have really good ventilation and it recycles the air and gets it out. You know, I think that is not bad.

"It's not about promoting smoking or not. It's about people who have this habit that do smoke that are going to be in our airports, a lot of tourists from other countries. And it's actually protecting people from second-hand smoke by allowing these people to smoke. I think we should allow that. I think that people that smoke, it's a really terrible habit. But, I can't imagine landing here and waiting for two hours in the airport, going to a Neighbor Island and not having a place to smoke. I just don't agree with that concept. So, that's why I'm in opposition."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to this matter and tried to oppose it while it was in Committee. My opposition is based on the fact that we are an international hub and we have millions of people coming through our international airport.

"Yes, we are a society that opposes smoking and I am one of those, but it's like we are implicating everybody to observe the same culture that we do. They too have a right to smoke if they do. And I'm talking about our international passengers that come, as well as our international tourists that come. And we do thrive on tourism.

"I'm seeing this as a measure that will deter a lot of tourists to come to this Country and will eventually affect our businesses. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of both measures with reservations, stating:

"Yes, Mr. Speaker. I vote with some reservations on this measure. Inasmuch as this is going to Finance and they will be reviewing this resolution, I would request that the remarks of the Representatives Evans and Cabanilla be as my own. Thank you very much," and the Chair "so ordered." (By reference only.)

Representative Lee rose to speak in support of both measures, stating:

"Mr. Speaker, I stand in strong support. First, I'd like to declare a possible conflict. I'm on the Corporate Board of the American Cancer Society for Hawaii," and the Chair ruled "no conflict."

Representative Lee continued, stating:

"Thank you. Mr. Speaker, I'm in strong support of this resolution. There are many airports in the United States that are completely smoke-free. I think Chicago is an example.

"This morning on the morning news I heard that Peter Jennings is suffering from lung cancer. We know that smoking causes lung cancer and we need to do everything possible to prevent the reoccurrence of lung cancer. Whether it's foreigners or it's our own people, it's our responsibility to set a good example. So for that reason, I support this resolution."

Representative Chang rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Meyer rose to speak in opposition to both measures, stating:

Thank you, Mr. Speaker. I'm rising in opposition to this resolution. I think the Representative from Waimea made a lot of good points. The visitor industry is such an important part of our economy and we're always spending thousand of dollars trying to get more Asians, Japanese visitors here and many of them enjoy smoking. I think that it would certainly be an 'unwelcome mat' to say, 'No smoking anywhere'. Thank you."

Representative Green rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In support. A possible conflict, Mr. Speaker. I'm a non-smoker, Mr. Speaker," and the Chair ruled "no conflict."

Representative Green continued, stating:

"Mr. Speaker, thank you for hearing me. We had significant testimonies from people who have chronic lung disease. We had significant testimony from people who had severe allergies. People who were literally afraid to travel in Hawaii because their allergies are so bad to cigarette smoke that they go into anaphylactic response for their lungs. In other words, they can't breathe. Those alone were reasons enough for me to support this resolution.

"But there were also, it should be mentioned that the comments made by the Representative from Waimea, which I do respect completely, those comments, they're not mutually exclusive. We can still pursue having rooms that do not allow smoke out in the hallways. Though it's probably not ideal. We didn't really limit ourselves in that way in this resolution. But most importantly, I think we're trying to send a message that Hawaii is the healthiest state. That's why I support this resolution. Thank you."

Representative Arakaki rose to speak in support of both measures, stating:

"Thank you, real briefly, Mr. Speaker in support. I think all the points that were brought up against this resolution; these were the kind of fears that were raised when we prohibited smoking in the airplanes, in hotels, in our restaurants. But none of the statistics have borne out these fears. In fact, for many restaurants and public places, the customers have increased when they prohibited smoking. So, I think this is just part of the progress that's going to occur.

"And if nothing else, let's think about the workers at our airports. These are our employees, State employees, and we're exposing them to second-hand smoke, which is even more dangerous than the smoke that people inhale. So I hope people will support this resolution."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 74, entitled: "HOUSE RESOLUTION URGING THE DESIGNATION OF ALL OF HAWAII'S AIRPORTS AS SMOKE-FREE AREAS FROM AIRPLANE CABIN TO AIRPORT CURB," was referred to the Committee on Finance with Representatives Cabanilla, Chang, Evans and Meyer voting no, and with Representatives Chong, Hiraki, Takai and Takumi being excused; and

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DESIGNATION OF ALL OF HAWAII'S AIRPORTS AS SMOKE-FREE AREAS FROM AIRPLANE CABIN TO AIRPORT CURB," was referred to the Committee on Finance with Representatives Cabanilla, Chang, Evans and Meyer voting no, and with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1446), recommending that H.C.R. No. 53, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 53, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MARRIAGE AND FAMILY THERAPISTS' SERVICES WITHIN MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1447), recommending that H.R. No. 123, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 123, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE WOMEN'S CAUCUS OF THE HAWAII STATE LEGISLATURE TO FORM ACTION GROUPS TO DISSEMINATE INFORMATION FOCUSING ON THE ELIMINATION OF CERVICAL CANCER IN THE STATE, AND REQUESTING THE GOVERNOR TO ESTABLISH THE HAWAII CERVICAL CANCER ELIMINATION TASK FORCE," was referred to the Committee on Legislative Management with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1448), recommending that H.C.R. No. 164, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 164, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WOMEN'S CAUCUS OF THE HAWAII STATE LEGISLATURE TO FORM ACTION GROUPS TO DISSEMINATE INFORMATION FOCUSING ON THE ELIMINATION OF CERVICAL CANCER IN THE STATE, AND REQUESTING THE GOVERNOR TO ESTABLISH THE HAWAII CERVICAL CANCER ELIMINATION TASK FORCE," was referred to the Committee on Legislative Management with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1449), recommending that H.C.R. No. 104, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH A WORKING GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," was referred to the Committee on Judiciary with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1450), recommending that H.C.R. No. 93, as amended in HD 1, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 93, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Hale rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"Gathering Place  
Helene Hale  
Sunday, July 18, 2004

Losing a son, gaining a calling to help mentally ill

Former President Ronald Reagan and my son, William Jasper Kona Hale III, died on the same day. Both suffered from diseases of the brain that lasted for years and destroyed their quality of life. I hope Nancy Reagan will continue her crusade for stem cell research, which could hold promise of more effectively treating many diseases, including Reagan's Alzheimer's and my son's schizophrenia and obsessive-compulsive disorder.

For my part, I hope to continue to work with the state Legislature to improve our mental health system and find ways to help those suffering from mental illness. We have gone from one extreme to another. In the old days it was common to lock up people who suffered from mental illness -- and almost

literally throw away the keys. Now we have gone in the other direction and thrown these victims out on the street in the name of protecting their civil liberties. What has been lost is the fact that many people who suffer from mental illness are not capable of making rational decisions. They need help and guidance, and in some cases forcible treatment.

For the last 20 years I watched my son get progressively worse because he was under the control of his "voices" that told him what he could and could not do. They would not let him get a thorough physical examination, and they forced him not to take medication that was prescribed from time to time.

They even told him what he could eat, and they led him to alcohol, which I believe was his only way to forget them. I did manage to get control of his Social Security Disability money, which he qualified for because he had worked before his sickness. However, I did lose control of his state Supplemental Security Income benefits, and I never had anything to do with his food stamps. Both of these benefits ran out before the end of each month, and I doled out the rest of his money, as he was unable to control his finances. At no time, however, did the state or the federal government require that he go to a doctor to get treatment.

At one point I went to the Social Security office with a pamphlet it publishes that said clients had to be recertified at specified times, I think it was seven years. I asked Social Security officials to enforce the law and force my son to see a doctor, but they said they could not or would not do it. I knew that he understood he needed money and that would have been one way for him to get help.

Another time he cut himself (accidentally or on purpose, I do not know). The owner of the house he lived in called me and I told him to call 911. William did not want to go to the hospital, so they called the police and he finally chose the hospital over jail.

The psychiatric unit nurses at Hilo Medical Center did a wonderful job of getting him medicated and he stayed there for almost a month. He improved so that we could play chess, Scrabble and even table tennis, which we had done when he was a child. He also got three good meals. His voices never disappeared but they became manageable. When the cut over his eye healed, however, he would not voluntarily stay or even go to a halfway house, and I was told that there was no way to keep him since he was "no longer a danger to himself," and he had never been a danger to others.

Another time, in frustration, I hired a lawyer to help me get guardianship over him, but I was told that even with that I could not force him to get treatment, even though I knew that he was a danger to himself.

As a member of both of the Health and Human Services Committees in the state Legislature, I know that I can get serious attention to this problem. It has been called to my attention that California has improved its system in the past few years as a result of a task force study and recommendations that recognize other solutions besides being a physical danger to himself or others.

In memory of my son, therefore, I have a new mission and that is to get real solutions recognized and passed into law to address those who need help but are in denial and do not receive it under the current system.

*State Rep. Helene H. Hale, a Democrat, represents the 4th District (Pahoa, Kalapana)."*

*Honolulu Star-Bulletin  
July 18, 2004*

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 93, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL AND THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ACTIVELY INFORM MENTAL HEALTH PROFESSIONALS AND INDIVIDUALS WITH NEUROLOGICAL DISORDERS OF THE BRAIN AND THEIR FAMILIES, OF THE LEGAL RIGHTS AND OPTIONS AVAILABLE TO INDIVIDUALS WITH NEUROLOGICAL DISORDERS OF THE BRAIN TO ENSURE PROPER TREATMENT," was referred to the Committee on Judiciary with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1451), recommending that H.C.R. No. 157, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR CREATING A COMPREHENSIVE VOG EMISSIONS MONITORING SYSTEM FOR THE ISLAND OF HAWAII," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1452), recommending that H.C.R. No. 218, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAMMATIC AND FINANCIAL AUDIT OF THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1453), recommending that H.R. No. 154, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 154, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH TO SUBMIT A PROGRESS REPORT ON THE RESULTS OF AUDITS AND REVIEWS OF THE HOME AND COMMUNITY BASED SERVICES WAIVER PROGRAM FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES OR MENTAL RETARDATION," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1454), recommending that H.C.R. No. 206, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 206, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH TO SUBMIT A PROGRESS REPORT ON THE RESULTS OF AUDITS AND REVIEWS OF THE HOME AND COMMUNITY BASED SERVICES WAIVER PROGRAM FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES OR MENTAL RETARDATION," was referred to the Committee on Finance with Representatives Chong, Hiraki, Takai and Takumi being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1455), recommending that H.R. No. 169, as amended in HD 1, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1456), recommending that H.C.R. No. 226, as amended in HD 1, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 169, HD 1, and H.C.R. No. 226, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, on Standing Committee Report Nos. 1455 and 1456 and the attached resolutions, in strong support. Mr. Speaker, I've been introducing resolutions to find out what happened to 'Peter Boy' Kema for many years, and I think that for the first time we have some response from the Department of Human Services. I want to thank Director Koller for her willingness to share some information about the disappearance.

"I just want to dedicate this to, not only 'Peter Boy' Kema, but to the many, many children in Hawaii who have disappeared, who have been abused and neglected, especially this month, since this is Prevent Child Abuse Month.

"I just want to emphasize how important it is for the community to participate because in every case where a child disappears or is abused or neglected, people know about it. But people are not willing to come forward. They don't have the courage to speak out. I think it's really important to prevent child abuse. People have to speak out. They have to speak out for the child because in many cases, the child is not able to speak or fend for him or herself. So, that's one of the points that this resolution makes. I hope everybody can take that message and see that through this case. Thank you."

Representative Hale rose to speak in support of both measures, stating:

"Mr. Speaker, I stand in strong support of these resolutions and I'd like to thank the previous speaker because Peter Kema is from my district. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 169, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE CHIEF OF THE HAWAII COUNTY POLICE DEPARTMENT TO PUBLICLY DISCLOSE INFORMATION RELATED TO THE DISAPPEARANCE OF PETER KEMA, JR.," was referred to the Committee on Judiciary with Representatives Chong, Hiraki, Takai and Takumi being excused; and

H.C.R. No. 226, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE CHIEF OF THE HAWAII COUNTY POLICE DEPARTMENT TO PUBLICLY DISCLOSE INFORMATION RELATED TO THE DISAPPEARANCE OF PETER KEMA, JR.," was referred to the Committee on Judiciary with Representatives Chong, Hiraki, Takai and Takumi being excused.

#### INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 238) was announced by the Clerk and the following action taken:

H.R. No. 238, entitled: "HOUSE RESOLUTION CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC. ON ITS FORTIETH ANNIVERSARY," was jointly offered by Representatives Souki, Carroll, Halford, Nakasone, Tanaka and Yamashita.

Representative Souki, moved that H.R. No. 238 be adopted, seconded by Representative Nakasone.

Representative Souki congratulated Maui Economic Opportunity, Inc. on its fortieth anniversary and recognized the Executive Director, Ms. Gladys Baisa; Deputy Director, Mr. Sandy Baz; and Board President, Mr. M. Chubby Vicens, who were seated on the floor of the House.

The motion was put to vote by the Chair and carried, and H.R. No. 238 was adopted with Representatives Chong, Hiraki, Meyer, Takai and Takumi being excused.

At 12:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1457) recommending that H.R. No. 125, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 125, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY EFFICIENT DESIGN AND PERFORMANCE STANDARDS FOR NEW CONSTRUCTION, RENOVATION, AND RETROFITTING OF BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1458) recommending that H.C.R. No. 166, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND

COMMUNITY DESIGN TO DEVELOP ENERGY EFFICIENT DESIGN AND PERFORMANCE STANDARDS FOR NEW CONSTRUCTION, RENOVATION, AND RETROFITTING OF BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1459) recommending that H.R. No. 121, be adopted; and

(Stand. Com. Rep. No. 1460) recommending that H.C.R. No. 162, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 121 and H.C.R. No. 162, be adopted, seconded by Representative B. Oshiro.

Representative Marumoto rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I strongly support both House Concurrent Resolution 162 and House Resolution 121, which urge Hawaii's Congressional delegation to support the easing of restrictions on humanitarian visas. HR 900, introduced in Congress on February 17th of this year, provides non-immigrants with the opportunity to enter the country only under "urgent and compelling circumstances" where close family members are in emergency or life-threatening situations including human organ donations, terminal illnesses, or even death.

"This legislation is sensitive to the necessity of the post-9/11 security demands placed on the United States and does not seek to compromise or sacrifice the safety measures inherent in our current immigration policies. However, provision for the entrance of individuals into the country for emergency purposes must be made, as many are left heartbroken when they are denied entry to the United States while their loved ones pass away or continue to suffer as their health deteriorates.

"People needing to visit the United States under the grave situations allowable according to proposed legislation would only be granted entry to the country after their circumstances are satisfactorily verified by overseas consular officers, including their intent to return to their own country without defaulting on the granted visa. Congressional support for HR 900 would mean supporting not only for those applying for the visa, but for their friends and family here in the United States, and especially in Hawaii, whose lives might be saved by easing the restrictions applied to humanitarian visas.

"Mr. Speaker, for the reasons stated, I urge all of my colleagues to support House Concurrent Resolution 162 and House Resolution 121. 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. 121, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EASING OF RESTRICTIONS ON HUMANITARIAN VISAS," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused; and

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE

EASING OF RESTRICTIONS ON HUMANITARIAN VISAS," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1461) recommending that H.C.R. No. 199, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN "EDUCATIONAL SERVICE AGENCY," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1462) recommending that H.R. No. 140, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 140, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST BREAKDOWN OF THE BUDGET AMOUNT ALLOCATED TO THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1463) recommending that H.C.R. No. 188, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 188, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST BREAKDOWN OF THE BUDGET AMOUNT ALLOCATED TO THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1464) recommending that H.R. No. 155, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 155, HD 1, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE UNITED STATES DEPARTMENT OF EDUCATION TO CONTINUE FUNDING FOR THE EVEN START FAMILY LITERACY PROGRAM," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1465) recommending that H.C.R. No. 208, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 208, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE UNITED STATES

DEPARTMENT OF EDUCATION TO CONTINUE FUNDING FOR THE EVEN START FAMILY LITERACY PROGRAM," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1466) recommending that H.R. No. 122, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 122, entitled: "HOUSE RESOLUTION SUPPORTING THE USE OF THE STUDENT BODY OF KAPIOLANI COMMUNITY COLLEGE TO PROVIDE STATISTICAL EVIDENCE TO BUILD AN ADDITIONAL PARKING FACILITY AT KAPIOLANI COMMUNITY COLLEGE," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1467) recommending that H.C.R. No. 163, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE USE OF THE STUDENT BODY OF KAPIOLANI COMMUNITY COLLEGE TO PROVIDE STATISTICAL EVIDENCE TO BUILD AN ADDITIONAL PARKING FACILITY AT KAPIOLANI COMMUNITY COLLEGE," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representatives Kanohe and Saiki, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1468) recommending that H.C.R. No. 130, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW AND UPDATE THE KEEHI LAGOON RECREATION PLAN AND EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1469) recommending that H.R. No. 104, be adopted; and

(Stand. Com. Rep. No. 1470) recommending that H.C.R. No. 142, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 104 and H.C.R. No. 142, be adopted, seconded by Representative B. Oshiro.

Representative Fox rose to speak in opposition to both measures, stating:

"Mr. Speaker, I'd like to vote against the resolution at the bottom of page 19 and at the top of page 20. I don't think it's the job of the federal government to fund education."

Representative Stonebraker rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, on the same measures, opposition with brief comments, please. It wasn't too long ago when Latin was taught in high school. Today, the government involvement in education at the level that it is, remedial English is taught in college.

"What has happened is the more that government has become involved with education, the poorer the standards have become. And by setting a policy that funds a federally funded or federally recognized program for education, I think we violate the parameters of what the government is truly intended to provide.

"We should bring education closer to home. The home is where education should take place and by moving in this direction we're saying that the scope and span of government should exceed that which I believe it's intended to do. Thank you."

Representative Berg rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in support of this and building on Representative from Hawaii Kai's comments about how the education is in the home. Without the No Child Left Behind Act, which is a federally mandated, non-funded mandate to us, we were moving forward and now we're moving forward again as a result of Act 51. So, I believe that this resolution is absolutely necessary because it gives a message to the federal government that if we are expected to fulfill certain mandates that they have set arbitrarily, without our consultation and without the community engagement of our population here, then they are certainly responsible for funding it as well. Thank you."

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I wasn't going to speak on this resolution but I'm just forced to now. I have reservations because I've read the resolution carefully and it just talks about federally funded. It doesn't say fully federally funded and right now our education system in Hawaii is federally funded at least in part. We get impact aid but also we get a vast amount of money for No Child Left Behind.

"It is not true that it is a non-funded mandate. I know we get over \$50 million. I thought it was \$54 million either last year or the year before. We get more than ever now. And all we have to do if we don't like it is turn down that money. So it is not true that the No Child Left Behind Program is not funded. Thank you."

Representative Ching rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker, in support with reservations. I am fully in support of high quality education. What I question on this resolution is that it asks for a federally funded high quality education. I think the question needs to be not just how much money, are we putting the money in the educational systems, but, how are we using that money? How are we managing it? And where is it going? And so with that, I have reservations. Thank you."

Representative Shimabukuro rose to speak in support of both measures, stating:

"Mr. Speaker, in support. Mr. Speaker, the United States is probably the richest country in the world and yet we do not provide universal access to preschool through university education like many other countries in Europe. In fact, preschool is not included in our public education system.

"I think it's very ironic that this happens and we have, what I see, a greater divide between the 'haves' and the 'have nots' in this country. So, I think this resolution is a great step towards the philosophy that we need to consider adopting to catch up with the rest of Europe. Thank you."

Representative Meyer rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I just wanted to register strong reservation on this. The resolution seems to imply that the federal government is really shorting the states in a big way. I think it's important to acknowledge that under the present Administration, financing for education at the state level has almost doubled and that's quite substantial.

"I don't think it's in the Constitution that the federal government must provide an education. The whole reason for the No Child Left Behind is because there was an acknowledgement that in many states, public education was failing so many youngsters. So this is not a new thing. No Child Left Behind just came out of a reauthorization of Title I and a lot of programs and money that were earmarked for children that were the big difference between children of families with more means than others. This is just a continuation of that effort.

"But, if we think that we need more superior federally funded schools, perhaps the Department of Defense would like to set up schools on some of their bases here if we think that it would be an improvement. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye 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 Committees were adopted and H.R. No. 104, entitled: "HOUSE RESOLUTION URGING CONGRESS TO PASS LEGISLATION FOR A FEDERALLY-FUNDED, HIGH-QUALITY PUBLIC EDUCATION SYSTEM FROM THE PRESCHOOL TO UNIVERSITY LEVEL," was adopted, with Representatives Fox and Stonebraker voting no, and with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused; and

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS LEGISLATION FOR A FEDERALLY-FUNDED, HIGH-QUALITY PUBLIC EDUCATION SYSTEM FROM THE PRESCHOOL TO UNIVERSITY LEVEL," was adopted, with Representatives Fox and Stonebraker voting no, and with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1471) recommending that H.R. No. 199, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 199, HD 1, entitled:



"HOUSE RESOLUTION REQUESTING A REPORT ON CIVIL SERVICE EXEMPT POSITIONS IN EACH EMPLOYING STATE JURISDICTION," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1472) recommending that H.C.R. No. 270, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 270, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON CIVIL SERVICE EXEMPT POSITIONS IN EACH EMPLOYING STATE JURISDICTION," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1473) recommending that H.R. No. 151, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 151, entitled: "HOUSE RESOLUTION DECLARING MAY 5, 2005, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1474) recommending that H.C.R. No. 202, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 5, 2005, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1475) recommending that H.R. No. 198, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 198, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE NUMBER OF LESS THAN FULL-TIME PUBLIC EMPLOYEES THAT ARE INELIGIBLE FOR HEALTH BENEFITS," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1476) recommending that H.C.R. No. 269, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 269, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE NUMBER OF LESS THAN FULL-TIME PUBLIC EMPLOYEES THAT ARE INELIGIBLE FOR HEALTH BENEFITS," was adopted, with Representatives

Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented two reports:

(Stand. Com. Rep. No. 1477) recommending that H.R. No. 100, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1478) recommending that H.C.R. No. 134, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 100, HD 1, and H.C.R. No. 134, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Fox rose to speak in opposition to both measures, stating:

"Mr. Speaker, I rise in opposition to House Concurrent Resolution 134 and the accompanying resolution. Mr. Speaker, this resolution says that the Legislature hereby urges President George W. Bush to reconsider his plans to hurriedly enter into a Social Security privatization plan. I find that characterization of what's going on pretty off the mark.

"The President is doing everything he can to encourage a nationwide serious effort to address what's happening with Social Security and at this point, I would like to quote from the words of our Congressman from Hawaii from the Second district that was published recently in the *Honolulu Advertiser*. 'Social Security is a pay as you go system.' This works fine when more money is coming in than it's going out. Like today, with 153 million workers paying in for 47 million beneficiaries, generating a \$175 billion annual surplus.

"But here's the problem, there's no question that left alone, this will flip. In other words, more will be paid out than is coming in. That's not good news. But it wouldn't be so bad if we saved that surplus from 1935 to 2018 to cover the shortfall, post-2018. But we haven't. So here's the reality. Social Security on its present path is unsustainable. And sustainability will require tough choices.

"Mr. Speaker, the year this program pays out more than it puts out is 2017, not 2018. That's a recent correction. In 2017, we're going to have to do one of three things. Number one, we're going to have to increase the National debt. Number two, we're going to have to cut spending. And number three, we're going to have to raise taxes. Those are our three choices because more money will be going out than coming in, in 2017. Mr. Speaker, everybody in this room, fifty years-old or younger will be eligible for retirement by 2017 or later. This is a problem we have to address right now.

"I'd just like to make a couple of other points. I'd like to mention the countries that currently have private accounts: Chile, Argentina, Peru, Columbia, Mexico, Singapore, Britain and Hong Kong.

"I'd like to talk a little about, in anticipation that we might have a debate on this subject, about how well personal accounts work by what's happening in the financial markets of the United States over a long period of time. Since 1926, the average real rate of return on a stock market has been 7.56%. Even the worst 20-year period, and that was from 1929 to 1948, which included the stock market crash of 1929 and the Great Depression, there's a positive real rate of return of 3.36%. Compare that to the Social Security's 1% to 2% return.

"The President says everything should be on the table. I would like to hear from the other side of the aisle what is being proposed to fix Social Security. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in strong support. I also have a quote from someone too. But before I begin, Mr. Speaker, the Social Security Act of 1935, I believe is one of the greatest pieces of legislation yet passed in our country. And I think that everyone in this Body would agree with me on that point. Franklin Delano Roosevelt, the President who worked so hard to get this legislation passed, stated when he signed the Social Security Act 70 years ago, Mr. Speaker, is something that really applies even to this day. It speaks through the ages as is referred in other quotes.

"He stated, "This law represents a cornerstone in a structure which is being built but is by no means completed. It is a structure intended to lessen the force of possible future depressions, to act as a protection to future Administrations of the government against the necessity of going deeply into debt, to furnish relief to the needy. The law will flatten out the peaks and valleys of deflation and of inflation. In other words, a law that will take care of human needs and at the same time provide for the United States an economic structure of vastly greater soundness."

"He stated this, Mr. Speaker, on August 14, 1935. In many ways, what he stated applies to the debate we have today. These words still ring true in so many ways. The Social Security Act of 1935 remains a cornerstone in a structure to take care of the human needs of our senior citizens, Mr. Speaker, in their golden years. On the one hand, it is a disbursement mechanism that provides modest, but dependable income to the elderly, the disabled, their survivors and their dependants. Without it, these people have very little to look to. On the other hand, it is a funding mechanism at a 12.4% flat tax on wages up to \$90,000 a year for all Americans.

"Yet, there is an attempt in Washington, Mr. Speaker, although it may just be in the early stages, to dismantle the Social Security system, as we know it today. Maybe amendments may be all that is necessary, not a complete dismantle that we hear about. The contention of the Executive branch in Washington is that the Social Security Trust Fund is a myth. We've heard that. They say it's a myth. Well, Mr. Speaker, even though the neo-cons in Washington DC and throughout this country, state this. I ask, Mr. Speaker, if the Trust Fund is a myth then show us the prospective shortfall. If one is a myth, so is the other. The Trust Fund, at the moment Mr. Speaker has \$2 trillion in it. That's not a myth.

"It consists of a growing pile of U.S. Treasury Bonds of a special type. They're not the type traded on the market. They're embossed and de-ribboned and neatly stacked in a vault in West Virginia. Unlike the standard Treasury bonds, these do not fluctuate in value. By the same token, they cannot be traded on the open market, which is why again the neo-cons dismiss them as mere pieces of paper of no value because they can't be traded on Wall Street. But Mr. Speaker, these bonds have helped to catapult our U.S. economy into the stratosphere through government borrowing, the likes of which the world has never seen before. As we've heard by previous speakers on other bills and other resos, our economy is by far the richest in the world, the likes that have never seen before and we all are beneficiaries of that, Mr. Speaker.

"It is true, Mr. Speaker, that at some point, close to the middle of this century, not in 18 years or 17 years, but close to the middle of this century, American society will have to decide

whether to devote somewhat more of its collective resources to the care of its elderly or else it will have to require that the elderly get along with somewhat less. But as the President himself now admits, this is not a problem that privatization can solve. And yet we hear so much about this discussion. We heard it from our Minority Leader. We hear facts being mentioned in Washington, D.C., that if we privatize Social Security along the lines proposed by the Executive branch, the federal government will have to borrow between \$2 and \$3 trillion. I repeat that, \$2 to \$3 trillion. And that borrowing will negate any potential returns that we might get out of the privatizing of this system to increase.

Representative Luke rose to yield her time, and the Chair "so ordered."

Representative Caldwell continued, stating:

"Thank you very much, Representative Luke. What is not a myth, Mr. Speaker, is the blooming federal budget deficit. That is not a myth. Fast approaching \$500 billion, half a trillion dollars and growing. This is a problem that is verging on a crisis right now. Not in the middle of this century, not in 2018, but right now. Now Mr. Speaker. Think about what opportunity our country gave up.

"We had a trillion dollars surplus four years ago. It was given away in tax cuts that benefited the middle class to some degree, but mainly the upper end of the pay scale. As we heard Alan Greenspan say when President Bush first came into the office, that money should have been applied to deal with our Social Security problems, through amendments, through fixing it and we wouldn't be facing this problem today. It's a real lost opportunity, Mr. Speaker. As a result, we are now instead burdening our future generations, your sons, my daughter and so many others, to pay off this expanding federal deficit that should be addressed now.

"I sometimes ask myself Mr. Speaker, if in fact maybe the President decided to talk about Social Security and make it a crisis right now because our ballooning budget deficit has no solution under his proposals and maybe it's better to focus the attention somewhere else. The attention should be fixing our growing federal deficit.

"Mr. Speaker, in conclusion, when you think about it, Social Security is so much like many other of our somewhat called socialistic programs like our public school system, our progressive income tax, our neighborhood public library, our public transportation system, food stamps.

"In a way they all run counter to the narrow economic interest of the rich. Because the rich generally have to put so much more into it than they get out of it. But there are so many more of our Americans, our countrymen and countrywomen, our children, who get a benefit out of this. And Mr. Speaker, I think this resolution is asking, we had two, Mr. Speaker before our Committee. One was much stronger. The one we selected and passed out, if the Minority Leader would have stayed to see what happened, we moved out a resolution that asked the President to reconsider his privatization of Social Security.

"I think this is part of this debate. It's a serious debate. And I think it's showing an intent of this Body that we are concerned about starting to dismantle a program that has helped so many of us. So many of our parents and grandparents in their golden years. And for this reason, Mr. Speaker, I request that this Body support the resolution. Thank you very much. I appreciate your time."

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. The reservations, some of them were already mentioned about the hurriedly enter, and I don't believe that's the case. But the last paragraph talks about the President looking at raising the retirement age. No. That's recommended as an alternative to privatization, raising the retirement age. I guess that's from the other side of the aisle. Increasing the maximum annual earning subject to Social Security tax. That's an increase of tax. That's from the other side. And helping more individuals establish supplementary private pension and savings accounts. Isn't that what the President is talking about? I believe it is exactly what the President is talking about. And I want to point out that the President doesn't do those things. The Congress does. So maybe this should be directed toward Congress. They have to change the retirement age, increase the tax and look at all these alternate plans.

"But, I'd like to ask something else, Mr. Speaker. I heard neocon referred to in this debate. I would like a definition of neocon presented on the Floor so that we can enter it in the Journal so that we all can know what we're talking about. And I also want to point out that if we believe that there should be other plans, why don't we present an alternative plan to the President for his consideration because that's exactly what he's doing right now. He's considering everything on the table. Let's give him something else to consider. Thank you, Mr. Speaker."

Representative Meyer rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this resolution. The Chairman of Labor talked about when this program was started in 1935, and this was the middle of the depression and the retirement age was 65. And therein lies a lot of the problems we are now very well aware of what will face us in the future. That, in 1935, the age expectancy was probably around 65 at best. So, it was pretty safe to have a program that would start paying off at 65, because you were going to have a lot of people that simply would never see it.

"But with modern medicine and everybody, fortunately many people having much longer robust lives, there's just a lot more people that are going to keep continuing to collect. We know by many studies that around 2017 to 2018, these lines are going to intersect and then more people are going to be collecting than the money that's going to be paid in. And that's not that far away. So that is something that the President knows is on the horizon and needs to start thinking about doing something now.

"Our Congressman, Ed Case, said in an article just recently, 'Denial and inaction is not appropriate.' Effectively booting the ball down to the next generation is not acceptable. And I think that most of us would agree to that.

"The title of this resolution states, 'Urging George Bush to Reconsider His Plan to Privatize Social Security'. That is somewhat misleading. He's not promoting privatizing the whole of Social Security, but simply allowing younger Americans to take a portion of what they put in and put that into private accounts to invest and get a better return. It's interesting to see that the AARP opposes personal accounts that the President proposes because they are too risky and are like gambling. They have absolutely no faith; you would think that they have no faith in the market, and little faith in our younger Americans. And yet, AARP, on its own website touts the benefits of investing in the market. It promotes investing with one particular company because they receive such good benefits.

"I think we should be applauding the President for sort of being willing to say look, we have a problem; we all know we have a problem and we have to start looking at it now. I think that this is the wrong way to go with this resolution and that's why I can't support it. Thank you, Mr. Speaker."

Representative Schatz rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, in strong support. First of all, I would like to incorporate the words of the Representative from Manoa as though they were my own. Although I'm not sure they could be my own. They were too well done.

"I'd like to respond to the Representatives from Waikiki and Makakilo, who basically asked: What would your plan be if not? I think it's the elimination of the Social Security System, as we know it. It's not privatization. It's eliminating Social Security. My plan would be this. And I think this is somewhat reasonable in what many of the Democrats in Congress are proposing. Roll back the tax cuts for the rich. Stop raiding the Social Security Trust Fund. Consider raising the retirement age incrementally over a series of decades. And institute a pay as you go system.

"A pay as you go system used to be touted by fiscally conservative Republicans. And now, the greatest irony is that our Congressmen and other Democrats and Republicans are concerned that we're just spending more money than we're taking in. And let's be clear. This is not because of a war anymore. This is because we just can't stop spending. We can't stop raiding the Social Security Trust Fund. We can't stop increasing the budgets of domestic programs and we can't stop cutting taxes for corporations and the rich. It's a pretty simple equation.

"The first place we need to start is rolling back the tax cuts. The second thing we need to do is stop raiding the Social Security Trust Fund. Thank you."

Representative Stonebraker rose in opposition to both measures and asked that the remarks of Representatives Meyer and Fox be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in opposition to both measures and asked that the remarks of Representatives Fox and Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to speak in support of both measures with reservations, stating:

"With reservations. Not because I'm for or against the President's idea. It's just that it's the only idea that I've seen in writing. Thank you."

Representative Finnegan rose in opposition to both measures and asked that her written remarks be inserted in the Journal, and that the remarks of Representatives Meyer and Fox be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan's written remarks are as follows:

"Thank you Mr. Speaker. I rise in opposition to H.R. 100/H.C.R. 134, urging President George W. Bush to reconsider his plan to privatize social security. When we consider the Social Security system, it must be noted that there is no "trust fund" – just IOUs the Federal government has written itself. Presently, the Federal government is left with roughly 200 pieces of paper, each one representing a

multibillion-dollar Special Issue U.S. Treasury Bond. This system of IOU's relies of future earnings of Americans to substantiate immediate or past payments to Social Security recipients. There are some necessary facts to consider when addressing this looming crisis.

"In 1950, there were 16 workers to support every one beneficiary of Social Security. Today, there are only 3.3 workers supporting every Social Security beneficiary. In 2008 – just three short years from now – baby boomers will begin to retire. And over the next few decades, people will be living longer and benefits are scheduled to increase dramatically. By the time today's youngest workers turn 65, there will only be 2 workers supporting each beneficiary.

"Under the current system, today's 30-year-old worker will face a 27% benefit cut when he or she reaches normal retirement age. A shrinking workforce and a growing retired population underscore the urgency for reform.

"A failure to act to fix Social Security now will result in dramatically higher taxes, massive new borrowing or sudden and severe cuts in Social Security benefits or other government programs. In just 13 years from now (the year 2018), the government will begin to pay out more in Social Security benefits than it collects in payroll taxes – and shortfalls then will grow larger with each passing year. By the year 2027, the government will somehow have to come up with an extra \$200 billion a year to keep the system afloat. By 2033, the annual shortfall will be more than \$300 billion a year. By 2042, when workers in their mid-20s begin to retire, the system will be bankrupt – unless we act now to save it.

"I also oppose these resolutions because they are riddled with misconceptions or misrepresentations of the President's Social Security reform package. First of all, it is somewhat erroneous for this resolution to label the President's plans for Social Security reform as a blanket and general system of privatization. The option of personal accounts is something an individual can choose. The entire Social Security system will not be tied to the stock market. Furthermore, the President has assured Americans that he will not change the Social Security system in any way for those born before 1950. Thus, the majority of Americans currently eligible for Social Security, who have no time to prepare for a systemic structural change, would be protected from a loss or change to their current benefits.

"As we fix Social Security, we must make it a better deal for our younger workers by allowing them to put part of their payroll taxes in personal retirement accounts. Personal accounts would be entirely voluntary. The money would go into a conservative mix of bond and stock funds that would have the opportunity to earn a higher rate of return than anything the current system could provide. Additionally, voluntary personal accounts could only be safely invested only in a limited number of secure bond and stock-index funds, including a life-cycle fund designed to protect workers from sudden market changes on the eve of their retirement. A young person who earns an average of \$35,000 a year over his or her career would have nearly a quarter million dollars saved in his or her own account upon retirement. That savings would provide a 'nest egg' to supplement that worker's traditional Social Security check, or to pass on to an individual's spouse or children.

"According to the recent *ABC News/Washington Post* poll, 72% of Americans think the Social Security system is headed down the road to a crisis or will require major changes in order to avert a crisis. In this same poll, 56% of Americans support allowing workers to invest some of their Social Security contributions in the stock market. Furthermore, Federal

Reserve Board Chairman Alan Greenspan has regularly noted the necessity for fixing the social security system. In testimony to the House Budget Committee, the central bank chief reiterated his support for President Bush's plan to create personal investment accounts under Social Security.

"Reforming the Social Security system is something that cannot be delayed any longer. The ramifications of inaction risk dire consequences for generations of Americans to come. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 100, HD 1, entitled: "HOUSE RESOLUTION URGING PRESIDENT GEORGE W. BUSH TO RECONSIDER HIS PLAN TO PRIVATIZE SOCIAL SECURITY," was adopted, with Representatives Ching, Finnegan, Fox, Meyer and Stonebraker voting no, and with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused; and

H.C.R. No. 134, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT GEORGE W. BUSH TO RECONSIDER HIS PLAN TO PRIVATIZE SOCIAL SECURITY," was adopted, with Representatives Ching, Finnegan, Fox, Meyer and Stonebraker voting no, and with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representative Arakaki, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1479) recommending that H.R. No. 162, be adopted; and

(Stand. Com. Rep. No. 1480) recommending that H.C.R. No. 216, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 162 and H.C.R. No. 216, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. On 1479 and 1480, with reservations. I don't smoke and I believe it would be good to have a smoke free Hawaii. But if we're going to do that then we ought to make sure that our budgets do not reflect using tobacco settlement money to balance them. So, we need to start looking forward, many years ahead. Maybe a six-year plan, financial plans, like the Executive department has to do."

Representative Evans rose to speak in opposition to both measures, stating:

"Mr. Speaker, on Stand. Com. Rep. 1479 & 1480, I register in opposition. Just a comment. We're spending a lot of money on the war on drugs. And I really believe that if we really outlaw smoking, we will really have a war to fight. It's going to cost us a lot of money. 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. 162, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was adopted, with Representative Evans voting no, and, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused; and

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was adopted, with Representative Evans voting no, and with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1481) recommending that H.R. No. 70, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 70, entitled: "HOUSE RESOLUTION URGING THE STATE TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM TO THE EXTENT POSSIBLE IN SERVING THE LONG-TERM CARE NEEDS OF THE STATE'S RESIDENTS," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1482) recommending that H.C.R. No. 95, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM TO THE EXTENT POSSIBLE IN SERVING THE LONG-TERM CARE NEEDS OF THE STATE'S RESIDENTS," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1483) recommending that H.R. No. 71, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 71, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP METHODS TO SUPPORT FAMILY CAREGIVERS WHO PROVIDE AT-HOME CARE TO QUALIFIED RELATIVES," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1484) recommending that H.C.R. No. 96, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP METHODS TO SUPPORT FAMILY CAREGIVERS WHO PROVIDE AT-

HOME CARE TO QUALIFIED RELATIVES," was adopted, with Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi being excused.

#### ANNOUNCEMENTS

Representative Berg: "Yes, thank you, Mr. Speaker. I just wanted to report on behalf of the House's efforts on the Foodbank, that we made a \$1,000 from the Ono Kine Grinds sale yesterday. And there'll be also two more lunch opportunities next week sponsored by Representative Blake Oshiro's office. And we're having a chili cook-off. It's "Chili in Hawaii," next April 15, with more information to follow."

#### ADJOURNMENT

At 1:09 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 6, 2005. (Representatives Chong, Halford, Hiraki, Nakasone, Saiki, Takai and Takumi were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated April 5, 2005, 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 disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 161, HD 1, SD 1  
 H.B. No. 214, HD 1, SD 1  
 H.B. No. 553, HD 1, SD 1  
 H.B. No. 833, HD 1, SD 1  
 H.B. No. 1413, HD 1, SD 1  
 H.B. No. 1450, HD 2, SD 1  
 H.B. No. 1453, HD 1, SD 1  
 H.B. No. 1712, HD 1, SD 1  
 H.B. No. 1715, HD 1, SD 1

## FORTY-FOURTH DAY

Wednesday, April 06, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Hermina M. Morita, after which the Roll was called showing all members present with the exception of Representatives Chang and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Third Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 424 through 427) were received and announced by the Clerk:

Sen. Com. No. 424, transmitting S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO PROMOTE POLICIES THAT PERMIT EDIBLE SCHOOL GARDENS AND THAT INTEGRATE THEM INTO SCHOOL CURRICULA," which was adopted by the Senate on April 5, 2005.

Sen. Com. No. 425, transmitting S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING KOKUA COUNCIL TO CONVENE THE 2005 MODEL LEGISLATURE," which was adopted by the Senate on April 5, 2005.

Sen. Com. No. 426, transmitting S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A ONE-YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," which was adopted by the Senate on April 5, 2005.

Sen. Com. No. 427, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 459, SD 2, HD 1  
 S.B. No. 943, SD 1, HD 1  
 S.B. No. 944, SD 1, HD 1  
 S.B. No. 945, SD 1, HD 1  
 S.B. No. 1018, SD 1, HD 1  
 S.B. No. 1045, SD 1, HD 1  
 S.B. No. 1046, SD 1, HD 1  
 S.B. No. 1047, SD 1, HD 1  
 S.B. No. 1048, SD 1, HD 1  
 S.B. No. 1049, SD 1, HD 1  
 S.B. No. 1050, SD 1, HD 1  
 S.B. No. 1253, SD 1, HD 1  
 S.B. No. 1579, SD 1, HD 1  
 S.B. No. 1580, SD 1, HD 1  
 S.B. No. 1581, SD 1, HD 1  
 S.B. No. 1582, SD 1, HD 1  
 S.B. No. 1583, SD 1, HD 1  
 S.B. No. 1584, SD 1, HD 1  
 S.B. No. 1585, SD 1, HD 1

S.B. No. 1883, SD 2, HD 1  
 S.B. No. 1893, HD 1

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Magaoay introduced the Wailua High and Intermediate School Electric Car Champions:

Team members, Mr. Joseph Gudoy, Mr. Ryan Bruno, Mr. Garrick Ferreira, Mr. Jefferson Bruno, Mr. Michael Mamuad, Mr. Malcom Menor, Mr. Casey Onizuka, and Mr. Brandon Sakata.

Teachers, R. Timothy Pregana, Mr. Glenn Lee, and Ms. Linda Souza; Principal, Mrs. Valerie Kardash; Mentor, Mr. Lawrence Souza; and Ms. Liane Lum representing HECO.

Representative Shimabukuro introduced Mr. Eric Gill of HERE - Local 5, retirees of the Turtle Bay Resort, and other members of Local 5.

Representative Takamine introduced student leaders from the Big Island:

Ms. Mai Fujii, Ms. Edhelrose Duldulao, Ms. Stephanie Diaz, Ms. Suzanne Antonio, Ms. Chelsea Hasegawa, Ms. Olivia Steinhoff, and advisor Ms. Billie Brown of Kohala High School.

Mr. Kelson Paiva, Mr. Dominic Uchima, and advisor Mr. Nathan Morita of Hilo High School.

At 12:18 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:02 o'clock p.m.

## ORDER OF THE DAY

## STANDING COMMITTEE REPORTS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1485) recommending that S.B. No. 40, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 40, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives Chang, Halford, Hiraki, Kahikina, Takai and Waters being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1486) recommending that S.B. No. 621, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 621, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading, and was placed on

the calendar for Third Reading, with Representatives Chang, Halford, Hiraki, Kahikina, Takai and Waters being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1487) recommending that S.B. No. 698, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives Chang, Halford, Hiraki, Kahikina, Takai and Waters being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1488) recommending that S.B. No. 1872, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives Chang, Halford, Hiraki, Kahikina, Takai and Waters being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1489) recommending that S.B. No. 122, SD 1, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1489 on S.B. No. 122, SD 1, HD 3 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 122, SD 1, HD 3, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1490) recommending that S.B. No. 556, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1490 on S.B. No. 556, SD 2, 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. 556, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1491) recommending that S.B. No. 1695, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1491 on S.B. No. 1695, SD 2, 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. 1695, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1492) recommending that S.B. No. 76, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1492 on S.B. No. 76, SD 1, HD 1 was deferred and in

accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 76, SD 1, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1493) recommending that S.B. No. 960, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1493 on S.B. No. 960, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 960, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1494) recommending that S.B. No. 3, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1494 on S.B. No. 3, SD 2, 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. 3, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1495) recommending that S.B. No. 1235, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1495 on S.B. No. 1235, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1235, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1496) recommending that S.B. No. 797, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1496 on S.B. No. 797, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 797, SD 1, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1497) recommending that S.B. No. 801, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1497 on S.B. No. 801, SD 2, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 801, SD 2, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1498) recommending that S.B. No. 1854, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1498 on S.B. No. 1854, 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. 1854, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1499) recommending that S.B. No. 1483, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1499 on S.B. No. 1483, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1483, SD 1, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1500) recommending that S.B. No. 1661, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1500 on S.B. No. 1661, SD 2, 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. 1661, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1501) recommending that S.B. No. 1262, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1501 on S.B. No. 1262, 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. 1262, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1502) recommending that S.B. No. 1427, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1502 on S.B. No. 1427, 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. 1427, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1503) recommending that S.B. No. 1453, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1503 on S.B. No. 1453, SD 2, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1453, SD 2, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1504) recommending that S.B. No. 1554, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1504 on S.B. No. 1554, 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. 1554, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1505) recommending that S.B. No. 1267, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1505 on S.B. No. 1267, SD 2, 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. 1267, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1506) recommending that S.B. No. 1268, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1506 on S.B. No. 1268, SD 2, 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. 1268, SD 2, HD 2, were made available to the members of the House.

## SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Chang, Halford, Hiraki, Takai and Waters were excused.)

## STANDING COMMITTEE REPORTS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1507) recommending that S.B. No. 702, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 702, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1508) recommending that S.B. No. 754, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 754, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1509) recommending that S.B. No. 768, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 768, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1510) recommending that S.B. No. 781, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF QUARANTINE," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.



Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1511) recommending that S.B. No. 74, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 74, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition to Standing Committee Report 1511, which is S.B. 74. Thank you, Mr. Speaker. You know, I think as representatives of the people, it's our duty to make our highways and roads safer. I don't believe this measure will do that by lowering the age for these commercial drivers licenses to 18. I mean, I think all of us either have 18 year-old children or have had 18 year-old children or know somebody 18 years old. And these are big rigs. I don't think that we should do this, Mr. Speaker. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Due to the credit of the Transportation Chair, he has exempted out the big rigs from this bill."

Representative Fox rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, also in opposition. You know, one of the things that we're doing in the area of highway safety is we're thinking about putting through the graduated license. I hope that does pass the Legislature this year. That's based on a good understanding of the fact that as you get older, your ability to drive better improves.

"I think the really striking thing about this bill, and why it's so strikingly bad is that the federal government has said that you have to be 21 in order to drive a commercial vehicle. Unfortunately, the reach of the federal government does not extend to intrastate commerce. On the mainland that doesn't make a whole lot of difference because most of the trucks cross state lines and so the federal rules prevail. But someone has figured out correctly that federal government law does not have to apply in Hawaii so you know, we have this bill to treat Hawaii differently than the rest of the United States.

"In the rest of the United States, you've got to be 21 to drive a commercial vehicle. In Hawaii, you got to be 21 now. This bill would lower it to 18, at the very same time, we're saying that maturity behind the wheel is an issue in safety. I don't understand it. This is a really wrong thing to do. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of the measure, stating:

"You know, I'm for it because if we can send our 18 year-olds to fight a war and drive military vehicles, they certainly should be able to drive vehicles here. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support, and I want to thank the Representative from Waikiki for acknowledging that as we get older, we're better drivers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 74, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Fox, Meyer, Moses and Thielen voting no, and with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1512) recommending that S.B. No. 1117, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1117, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1513) recommending that S.B. No. 1362, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1362, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1514) recommending that S.B. No. 1451, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1451, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"I rise on another bill, Mr. Speaker. On S.C.R. No. 1514, this is a bill relating to improving water quality, specifically at Lake Wilson. I'm in support with reservations. My reservations have to do with the fact that we're going to use funds from the Environmental Response Revolving Fund, which was established for hazard evaluation and emergency response to oil spills and that type of thing.

"I don't think this is the right fund to use. I worry that if we continue to look at funding out of various special funds that were for specific items, I mean, it was the whole rationale for establishing this fund was for oil spills. This is going a little further afield when you're talking about management of watersheds. So, that's my real concern. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. I'm in favor of this, however, I do have a concern, as voiced by the previous speaker. If this is indeed coming from the Fund to clean up oil spills, I think it's diverting very far from its original purpose. I think we're also dipping in this Fund to clean up crystal meth labs. And so I think that we should have that money available to clean up petroleum and chemical spills if they occur. We'll need those emergency funds one of these days. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of Standing Committee Report 1514. Just for the record, Mr. Speaker, two years ago when we had to address the salvinia-molesta problem at Lake Wilson, we did tap into the fund; approximately \$500,000 to help eradicate and clean up Lake Wilson."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1451, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1515) recommending that S.B. No. 1461, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1461, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES MANAGEMENT," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1516) recommending that S.B. No. 1473, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1473, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition to Standing Committee Report 1516. Mr. Speaker, I have no problems with planning for what we're going to be doing, and especially this area. And, you know, I reach out to the Representatives from the area. But I think that we're giving you know, too much say to a Neighborhood Board by passing everything through them and that is a City function. It's not the function of the State to rely on an advisory board, to the City, to make decisions. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1473, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Fox, Marumoto, Meyer, Moses and Thielen voting no, and with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1517) recommending that S.B. No. 1732, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1732, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On 1517, just some comments in support. Thank you, Mr. Speaker. I think it's a worthy thing that we're trying to do here, to look at a flood warning system for Lake Wilson. But I believe that testimony provided that

this is already being done. It's already being funded. We don't need to add any money and I'm just pointing it out so the money committees will maybe be able to use that money during Conference Committees for something else. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1732, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1518) recommending that S.B. No. 1650, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1650, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1519) recommending that S.B. No. 1065, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1065, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1520) recommending that S.B. No. 1132, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1132, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1521) recommending that S.B. No. 1802, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1802, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1522) recommending that S.B. No. 1636, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1636, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, if we could go back to page nine. I'm rising in opposition to SCR 1522, S.B. 1636, HD 1. Thank you, Mr. Speaker. This is a bill that would give teachers an automatic step in their salaries every year of 3.5%.

"The Director of the Budget and Finance testified against this. I realize that before, the teachers were unionized. They had a step set up. In Committee, I mean, I voiced some concerns. In the language of the bill talks about, there would be performance standards reviewed. I would seriously doubt with the principals, that any teacher would be turned down.

"I think it's, you know, salaries are negotiated in collective bargaining. The union is in collective bargaining now. I think they're asking for something like 15%. I don't know what we'll settle at but to have this additional automatic raise, with no real criteria as to who deserves it, I think it won't be long before every union would want that. I don't think you can have your cake and eat it too.

"I think if each one of us had to pay their paycheck at the end of every month, we wouldn't want to set that kind of criteria for our employees. It's just automatic. You're going to get it every year, no matter whether you are working hard, no matter if you are performing well. You're just simply going to get it. Thank you, Mr. Speaker."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition on the same measure. I do believe that our teachers need an increase in pay. And that's why they're negotiating now, as the previous speaker mentioned. But if we do an automatic annual pay increases, then why do we need unions? Why do we need bargaining units? Maybe this is a measure by the Legislature to do away with the unions because we can just legislate all of their increases of pay and we don't need anybody else to do it through negotiations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1636, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Finnegan, Fox, Meyer and Moses voting no, and with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1523) recommending that S.B. No. 1660, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1660, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"On the same page. Mr. Speaker, rising in opposition to the next measure 1523, S.B. 1660. I'm very supportive of about 99% of the measure, Mr. Speaker. The DOE would be given the right here to do their own capital improvement projects and their R&M and all those positions and the funds will be moved from DAGS. I think that's a very good idea. I know that the Administration has been in support of this idea too.

"My only concern is that the positions that are moving over to the DOE will continue to be funded through borrowed money through CIP money. And I don't believe that we should do that. I think that we should pay for our services today

instead of borrowing money and paying interest later. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1660, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Fox, Meyer and Moses voting no, and with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1524) recommending that S.B. No. 840, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 840, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1525) recommending that S.B. No. 527, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 527, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1526) recommending that S.B. No. 561, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 561, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER COORDINATOR POSITION," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1527) recommending that S.B. No. 1808, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1808, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Fox rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise to speak against S.C.R. 1527, Relating to Workers' Compensation. This bill goes to unusual lengths to put the head of the Director of the Department of Labor and Industrial Relations in a 'full Nelson' so that he will be unable to do his job. Basically, it prevents him from issuing administrative rules relating to workers' compensation.

"Workers' compensation is kind of like a perennial problem for the Legislature and for the people of Hawaii. We haven't really gotten to the heart of this problem, which is people not getting back to work in a fast enough time and costing themselves and the State a lot of money. It was an issue in the 80s and it was an issue in the 90s. And in both cases, the Legislature urged the Director of Labor and Industrial Relations to get their hands around the problem and solve it.

"We have a Director who's attempting to do that as best he can. He's doing it the way that the law envisions it to be done. We believe that the Executive branch should issue rules and make the changes through the rule-making process, which as we all know is subject to public review and testimony. So it's very strange for the Legislature, which has no capability of running the Department. We pass legislation; we don't run departments. We have no ability to run the Department of Labor and Industrial Relations; to run a program certainly during the period when we aren't even in session. We should be doing our job and leaving it up to the cabinet people to do their jobs. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of this S.B. 1808, SD 1, HD 1. In my opinion, it is one of the most important measures of this Session and clearly distinguishes your Democratic Caucus from the Republicans. It stands for the proposition that between the worker and the stockholder, the worker comes first. It stands for the proposition that principles of fairness, balance, and social norms, take precedence over bald-face power plays, dictatorial force, and selfish profiteering.

"Mr. Speaker this measure, at its core is the embodiment of the simple yet essential "separation of powers" principle found in our Federal and State Constitutions. Were we not to pass this measure and curb the unrestrained "law-making" attempts of the Administration, we would shirk our Legislative responsibilities and endanger the carefully proscribed "separation of powers" so central to our National and State Constitutions. We would in a sense be violating our own solemn vow to uphold and defend our Nation's and State's Constitutions. Let the editors drown me in black ink, and let the media spinners spin, I refuse to break my vow.

"Mr. Speaker, in the interest of brevity and not over-extend my time before this Body, please grant me leave to have the exceptionally well drafted and phrased Standing Committee Report 1527 be known as my own and that I adopt each and every word and phrase as my own. As such, please accept the relevant text set forth below as my own remarks in support of this most important measure.

STAND. COM. REP. NO. 1527  
Honolulu, Hawaii  
April 6, 2005  
RE: S.B. No. 1808  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2005  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 1808, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW,"

beg leave to report as follows:

The purpose of this bill is to protect the balance between the interests of injured workers and their employers and carriers, and to protect the integrity of the separation of powers between the Legislature and the Executive Branch. To achieve this purpose, your Committee determines that the law, under the current administrative rules regarding the disability compensation division, should be maintained through codification, as well as amended through the inclusion of provisions that allow for further refinement of the law and the system.

The Hawaii State Teachers Association, Hawaii State AFL-CIO, ILWU, Local 142, Hawaii State Chiropractic Association, Brewer Consulting Services, Inc., Hilo Chiropractic Clinic, Lynn C. Fox & Associates Inc., TJK Rehabilitation Services, Spine Care Hawaii, Inc., Waimea Chiropractic, Wilcox Chiropractic, Pukalani Chiropractic Inc., Discover Chiropractic Hawaii, Klein Chiropractic Center, American Chiropractic Association, Rehabilitation Association of Hawaii, Hawaii Rehabilitation Counseling Association, International Association of Rehabilitation Professionals, Aim For Family Health with Chiropractic, and a multitude of concerned individuals supported this bill. Hawaii Government Employees Association supported the intent of this measure. The Department of Labor and Industrial Relations (DLIR), Chamber of Commerce of Hawaii, National Federation of Independent Businesses, Hawaii Insurers Council, Retail Merchants of Hawaii, Building Industry Association – Hawaii, Employers' Chamber of Commerce, Hawaii Business Roundtable, Hawaii Employers' Mutual Insurance Company, Inc., Willocks Construction Corporation, Hawaii Island Contractors' Association, Haseko Construction, Inc., ML Pacific, Inc., Coastal Windows, Inc., Kiyosaki Tractor Works Inc., Alan Shintani, Inc., Hidano Construction, Inc., Island Insurance Companies, First Insurance Company of Hawaii, Ltd., Co-Ha Builders, Inc., Robert M. Kaya Builders, Inc., Atlas Construction Services, Mouse Builders, Inc., Jas. W. Glover, Ltd. – General Contractors, CC Engineering & Construction, Inc., Access Lifts of Hawaii, Inc., and several concerned individuals opposed this bill. The Department of Human Resources Development, Attorney General, and Hawaii Chapter of Physical Therapy Association provided comments.

Your Committee notes that the intent of this measure is to protect the constitutional mandate that the Legislature draft the laws to establish policies governing the people of Hawaii. Any delegation of our legislative powers to the Executive Branch for rulemaking is administrative in nature and does not give the Executive Branch the power to make or change the laws through rulemaking. (*See 1 Am. Jur. 2d, Administrative Laws, §132 (1962)*). In the area of workers' compensation, the Legislature has balanced the interest of society to return gainfully employed workers to the workforce after an injury; the interest of the injured worker; and the liability interest of the employer.

Last year, the Administration proposed an omnibus bill to reform the State's workers' compensation system, purporting to reduce the average cost of workers' compensation premiums. By seeking the enactment of the Workers' Compensation Omnibus Bill during the Regular Session of 2004, the Administration implicitly recognized that without changes in chapter 386, Hawaii Revised Statutes (HRS), the Executive Branch lacked sufficient authority to implement policy changes in the foregoing areas. Lawmakers found that the omnibus bill would disrupt the balance achieved in the existing statutes and rules and rejected the omnibus bill resoundingly. Yet, now in 2005, the Director of Labor and Industrial Relations (Director) and the Administration are seeking to amend the administrative rules to do, through rulemaking in 2005, what it could not achieve during the 2004 legislative session.

The proposed changes to the Hawaii Administrative Rules (HAR) on workers' compensation, if promulgated and adopted, would represent substantial changes in the law regarding compensability, medical care and treatment, vocational rehabilitation and other benefits, attorney's fees, and create formalized procedures for investigating and handling claims through arbitration. The proposed rule changes would constitute a substantial departure from the legislative purpose and intent as is now found in chapter 386, HRS, and the existing administrative rules. Furthermore, the Administration has given every indication that it intends to cut workers' rights and benefits retroactively by applying the proposed rules to all claims regardless of when the claims were filed.

Your Committee believes this action by DLIR, seeking to significantly change HAR §§12-10-1 et seq., 12-14-1 et seq., and 12-15-1 et seq., represents a usurpation of legislative authority. In a democratic system, the role of formulating policy is reserved exclusively for those in the Legislative Branch. (See *Sherman v. Sawyer*, 63 Haw. 55, 621 P.2d 349 (1980).) ("Legislative power" is defined as power to enact laws and to declare what law shall be.) Under the separation of powers doctrine, the authority of the executive branch is restricted to executing and applying the laws enacted by the legislature.

The Administration's changes to administrative rules, usurps legislative authority and are proposed at a time of conflicting economic indicators that contradicts the need for promulgating procedures that violate the existing law. Your Committee has learned that in October 2004, the Insurance Commissioner approved a proposed change in workers' compensation loss costs that realized a three percent decrease in loss costs, associated with medical costs, disability benefit payments, vocational and other rehabilitation costs, and survivor benefits.

Where the Administration exceeds the boundaries of executive powers and encroaches upon legislative prerogatives, the Legislature must protect its constitutional charge to create the laws, pursuant to the "separation of powers" doctrine outlined in the Constitution of the State of Hawaii. The goal of this bill is to protect the Legislature's authority in making the law and to incorporate, into the existing law, provisions to assure that the intent of the Legislature is achieved in the area of workers' compensation. To achieve these goals this bill, among other things:

- (1) Codifies into law the existing HAR that reflect the purpose and intent of the Legislature in enacting chapter 386, HRS;
- (2) Assures that the Administration does not usurp the authority of the Legislature in creating laws by limiting the Director's rulemaking authority; and
- (3) Otherwise describes requirements and procedures for vocational rehabilitation services and filing claims generally.

Specifically, the Administration's proposed changes to existing administrative rules relating to workers' compensation is in direct conflict with existing statutory law, rules, policies, and case law on workers' compensation as shown by the following examples:

- (1) The Legislature specifically rejected a broad exclusion of stress claims under workers' compensation in 1998 when it limited the exclusion to mental stress claims arising solely from disciplinary action. (Section 386-3(c), HRS. See Act 224, SLH 1998.) The legislative intent was recognized by the Intermediate Court of Appeal in *Davenport v. City and County of Honolulu*,

100 Haw. 297 (2002), and by the Hawaii Supreme Court in affirming the ICA in 100 Haw. 481. The Administration now seeks to define "disciplinary action" to include what are essentially non-disciplinary, personnel matters. See proposed change to section 12-10-1, HAR (definition of "disciplinary action" includes action where "no sanction or punishment is ultimately imposed."). The proposed change would result in injuries otherwise compensable under the law being excluded from workers' compensation coverage;

- (2) An injured worker is entitled to temporary disability benefits so long as the worker is unable to resume work. (Section 386-31(b), HRS.) The legislative intent has been recognized by the courts. See *Atchley v. Bank of Hawaii*, 80 Haw. 239 (1996). The Administration seeks a subtle but substantial change in the definition of "able to resume work" that would terminate benefits if the employee was unable to perform light duty work but the employer offered light duty. (See proposed change to section 12-10-1, HAR, definition of "able to resume work".) The commercial guidelines the Director seeks to apply in all workers' compensation cases (see proposed change to sections 12-15-30(d) and 12-15-32, HAR.) could also create presumptions on the maximum number of days an employee should miss from work for any given type of injury. The current law provides no presumption for how long an employee can remain out on disability before being "able to resume work." (See section 386-85, HRS);
- (3) The Legislature intended that all processing of claims at the Disability Compensation Division (DCD) level and proceedings before the Director be informal, not contested case hearings under chapter 91, HRS. To the degree possible, this allows claimants to represent themselves at the DCD level. For that reason, the Labor and Industrial Relations Appeals Board was given de novo review on any appeal. (Section 386-87, HRS.) The administrative rules until the present have been consistent with this intent by narrowly allowing certain discovery and other procedures that would otherwise be allowed in civil litigation. (Sections 12-10-65 to 12-10-67, HAR.) The administration seeks formal discovery and hearing procedures that impose waivers of statutory rights if the claimant fails to comply with the procedures. (See proposed changes to sections 12-10-65 and 12-10-72.1, HAR.) The Administration seeks the power to impose similar waivers of statutory rights in the area of vocational rehabilitation if a party fails to specify in detail arguments and evidence on why it is seeking reconsideration of determinations by the Vocational Rehabilitation Unit of the Administration. Such procedural requirements necessitate that the claimant seek legal representation in any dispute with the employer that requires a hearing. These proposed changes are in conflict with the legislative intent of an informal process at the DCD level;
- (4) The Legislature requires the Director to conduct a hearing on any dispute between the claimant and the employer. (Section 386-86, HRS, decisions to be rendered after a hearing.) The Administration proposes the use of summary judgment which would deny the parties a right to a hearing. (See proposed changes to section 12-10-72.1, HAR.) The proposed use of alternative dispute resolution (ADR) or mediation could also preclude a hearing, and would impose waivers of statutory rights if the claimant enters into some form of ADR or mediation. (See proposed changes to section 12-10-66, HAR);

- (5) The Legislature provided for payment of attorney fees upon review by the Director. (Section 386-94, HRS.) That review, however, was not unfettered and fees that were reasonable were to be approved. (See section 386-93(a), HRS.) The Administration proposes to impose factors that are not relevant in determining if fees are reasonable. (See proposed changes to section 12-10-69(b), HAR.) Arbitrarily limiting claimant attorney fees to 15 percent of the compensation paid would result in no payment if the claimant loses on compensability and artificially reduce legal payments in other disputed areas of a claim. In practicality, the proposed changes would result in claimants being unable to secure attorneys in disputed compensability cases;
- (6) The Legislature provided presumptions in the law to minimize challenges to benefits while providing provisions elsewhere in the statute to minimize the employer's exposure to liability. (Compare section 386-85 with sections 386-5 and 386-8, HRS.) The Legislature did not intend for any other presumptions or burdens of proof to be arbitrarily assigned to one party or the other. The party or parties who must bear the burden of proof is to be determined by law consistent with the purpose of the statute. The Administration proposes to arbitrarily assign the burden to the party requesting the hearing. (See proposed change to section 12-10-72.1, HAR.) Because the employer can withhold or deny benefits, the claimant will always be the party requesting a hearing and therefore will always hold the burden of proof at a hearing. This shifts the balance created by the Legislature between the presumptions and the limits to the employers' liability;
- (7) The Legislature provided for vocational rehabilitation services to "restore an injured worker's earning capacity as nearly as possible to that level which the worker was earning at the time of injury" and to "return the injured worker to suitable work in the active labor force as quickly as possible in a cost-effective manner." (Section 386-25, HRS.) Vocation is defined as a person's business, profession, or occupation. (*Roberts' Dictionary of Industrial Relations 759 (3rd Ed.)*). Occupation is a person's trade or vocation that provides the principal way an individual makes a living. (*Id. at 493*.) The legislative intent was not to arbitrarily exclude any option that might restore the worker's earnings in suitable work achieved in a time and cost efficient manner. The rules for years have recognized that intent. (See section 12-14-1, HAR.) The Administration proposes to arbitrarily exclude self-employment as a form of suitable work for rehabilitation, which might actually prove to be the most time and cost efficient manner of returning an injured worker to suitable work. (See proposed change to section 12-14-1, HAR.) An arbitrary exclusion of self-employment as suitable work in rehabilitation is in direct conflict with the current law that weighs all factors in considering the appropriate rehabilitation for the injured worker;
- (8) Related to vocational rehabilitation benefits, the Administration also proposes to arbitrarily limit services to 104 weeks. (See proposed change section 12-14-5(c)(7), HAR.) The legislative intent was to reduce the hardship generally on society by keeping an employee in gainful employment balanced against time and cost efficiency concerns. (Section 386-25(a), HRS.) If an employee sustains a substantial loss in earning capacity and has significant financial obligations as a result of an industrial injury, it was the legislative intent that the employee receive the services necessary to allow that employee to continue to meet those financial obligations and remain productive in society. To arbitrarily terminate services at 104 weeks even if to do so precludes achieving the legislative objective is directly in conflict with the intent of the law. Similarly, it is contrary to the legislative intent for the Administration to propose a rule to restrict any vocational rehabilitation services to looking for work that is similar in nature to work performed by the injured worker in the past since some injuries might preclude return to any form of work similar to past experiences. (See proposed change to section 12-14-4(b)(2)(F)(iii), HAR);
- (9) Given the inherent tension between the injured worker and the employer in the appropriateness of any vocational rehabilitation plan, it was the intent of the Legislature that the Director determine the appropriateness of the plan. Section 386-25(b),(h), HRS. Directly contrary to this intent is the Administration's proposal to give the employer the authority to deny a plan, which is then only subject to review by the Director for having "unreasonably withheld its approval." (See proposed change section 12-14-5(d), HAR);
- (10) The Legislature provided authority to the Director to issue guidelines on health care and services. (Section 386-26, HRS.) That authority was not without restrictions. The Director was limited to guidelines related to the frequency of treatment and for reasonable use of medical care and services that are considered necessary and appropriate under the statute. (Section 386-26, HRS.) As defined by the Merriam-Webster dictionary, a guideline is an indication or outline of policy or conduct. It is something that serves as a guide or an example. (*American Heritage Dictionary of the English Language*.) The Administration proposes to turn the guidelines from suggestive and informative to a presumptive guide in determining reasonableness of care. (See proposed change to section 12-15-32, HAR.) The scope of treatment would be prescribed by a commercial organization's publication and only allow rebuttal by other evidence-based national guidelines. (See proposed changes to sections 12-15-30(d) and 12-15-32, HAR.) In 1996, the Legislature deleted the requirement that the Director approve treatments (up to ten additional treatments) after the initial five treatments. (Act 260, section 3, Session Laws of Hawaii 1996.) The effect of the 1996 legislative change was more flexibility in treating the claimant. The Administration's proposal to convert to mandatory, presumptively valid commercial guidelines is contrary to the legislative intent on guidelines and the general intent to require the employer to provide all medical care, service, and supplies "as the nature of the injury requires." (Section 386-21, HRS);
- (11) Related to section 386-21, HRS, the Administration also proposed to arbitrarily limit any emergency care to the first 72 hours following the injury. (See proposed changes to sections 12-15-1 and 12-15-50, HAR.) Under the statute, the appropriateness of emergency medical treatment should be submitted to the statutory test of whether it was "reasonably related to the nature of the injury." (Section 386-21, HRS.) Arbitrarily limiting the service to the first three days following an injury is arbitrary and contrary to the legislative intent in section 386-21, HRS; and
- (12) The Legislature provided for employers to become self-insured if they satisfied certain safeguards under the law. (See section 386-121, HRS.) The Legislature finds the

changes proposed by the Director (see proposed changes to section 12-10-94, HAR.) are overly restrictive and will deter otherwise solvent, adequately financed employers from qualifying for self-insurance. It is the intent of the Legislature to give employers options in how they secure compensation to their employees for workers' compensation injuries. The proposed changes restrictively limit those options.

Your Committee finds that this bill, by incorporating into chapter 386, HRS, the substantive definitions, standards, criteria, and policies in effect on January 1, 2005, under currently existing rules, policies, and case law in the relevant substantive areas, will preserve and protect the prerogative of the Legislative Branch of government and prevent the abuse of power.

While seeking to maintain the balance intended by the Legislature, the House subject committee considered the concerns raised at the public hearing with regard to the investigation of fraud. Therefore, the fraud provision was omitted in S.B. No. 1808, S.D. 1, H.D. 1, and your Committee on Finance will address this issue in another vehicle. Your Committee also agrees with the H.D. 1, which reinstates the rulemaking authority of the Director on July 1, 2007.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1808, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

"Thank you, Mr. Speaker."

Representative Caldwell rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Caldwell's written remarks are as follows:

"Our democracy is based on a separation of powers that the framers of our Constitution instituted to assure that political power would not be concentrated within any single branch of government. It is at this juncture well established that the Executive branch (i.e., the Department of Labor and Industrial Relations) has violated that fundamental premise. After failing last Session to enact comprehensive changes to Hawaii's workers' compensation statute, the Executive branch now seeks to install the same sweeping changes illicitly through administrative rule-making.

"I've spoken on a number of occasions regarding this political breach and don't intend now to recount that malfeasance.

"Instead, let me emphasize that the purposes of this bill are twofold: (i) to reaffirm and preserve the separation of powers as a basic tenet of the Hawaii Constitution; and (ii) to restore to those citizens most affected by the workers' compensation statute the proper right to repair or reform its provisions through the legislative process. This measure is not founded on political expedience or opportunism, but is a necessary defense of our system of restricted governmental powers.

"Some may nonetheless object to this bill and my defense of its purposes, but I will not be dissuaded by justifications which betray constitutional principle."

Representative Marumoto rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I speak in opposition to SB 1808 SD1 HD1, which seeks to amend workers' compensation law by limiting the Department of Labor and Industrial Resources' rulemaking authority. The bill removes DLIR's authority to establish and implement any administrative rule relating to workers' compensation and seeks to nullify and void all administrative rules that were established by the current administration. The labor Director's rulemaking authority, granted by the State Legislature in 1995, is consistent with the State and Federal Constitutions under the purview of the Lingle Administration and does not abrogate the separation of powers.

"The Director was vested with such authority by the Legislature for the purposes of reducing worker's compensation premiums and ensuring that workers' compensation claims are resolved in a timely and efficient manner. Ensuring that injured workers received all necessary quality care in a timely manner enforces current law and does not impede on Legislative authority whatsoever.

"Likewise, ensuring that workers receive necessary vocational rehabilitation services in the most cost-effective manner possible and that the provision of alternative resolution of claims is made available are enforcement measures already within the Department's scope of authority. DLIR is also responsible for defining the approval requirements for employers seeking to be self-insured and for defining "disciplinary action," all duties which are best left to the discretion of the Executive branch given the fact that it is operational throughout the year as opposed to the session period to which the Legislative branch is restricted. For these reasons I oppose SB 1808 SD1 HD1.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1808, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," passed Third Reading by a vote of 40 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Chang and Takai being excused.

At 1:20 o'clock p.m., the Chair noted that the reports of the Committee were adopted, and S.B. Nos.: 702, SD 2, HD 1; 754, SD 1, HD 1; 768, SD 1, HD 1; 781; 74, SD 1, HD 1; 1117, SD 1, HD 1; 1362, SD 1, HD 1; 1451, SD 2, HD 1; 1461, SD 2, HD 1; 1473, SD 1, HD 1; 1732, SD 1, HD 1; 1650, SD 2, HD 1; 1065, SD 2, HD 1; 1132, SD 2, HD 1; 1802, SD 1; 1636, SD 2, HD 1; 1660, SD 2, HD 1; 840, SD 1; 527, SD 2, HD 1; 561, SD 1, HD 1; 1808, SD 1, HD 1, passed Third Reading.

### THIRD READING

#### S.B. No. 956, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 956, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Chang and Takai being excused.

At 1:21 o'clock p.m., the Chair noted that S.B. No. 956, SD 1, HD 1, passed Third Reading.

### ADJOURNMENT

At 1:21 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of

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Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 7, 2005. (Representatives Chang and Takai were excused.)



## FORTY-FIFTH DAY

Thursday, April 07, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor John Honold of Hope Chapel Kapolei, after which the Roll was called showing all members present with the exception of Representatives Hiraki and Souki, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Thirty-Fifth and Thirty-Sixth Days were approved. (Representative Souki was excused.)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 428 through 432) were received and announced by the Clerk:

Sen. Com. No. 428, transmitting S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," which was adopted by the Senate on April 6, 2005.

Sen. Com. No. 429, transmitting S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DEVELOP A STRATEGIC PLAN FOR FURNISHING SENIOR TRANSPORTATION OPTIONS IN THEIR COUNTY," which was adopted by the Senate on April 6, 2005.

Sen. Com. No. 430, transmitting S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND EVALUATE CURRENT HAWAII COUNTY TRAFFIC PLANS TO ENSURE THE OBJECTIVES OF THE HAWAII STATE PLANNING ACT FOR TRANSPORTATION PLANNING ARE MET AND TO PREPARE A TRAFFIC SOLUTION PLAN FOR HAWAII COUNTY," which was adopted by the Senate on April 6, 2005.

Sen. Com. No. 431, informing the House that the Senate has, on April 5, 2005, reconsidered action taken on April 4, 2005, in disagreeing to the amendments proposed by the House to the following Senate bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 675, "RELATING TO CHILD SUPPORT HD 1 ENFORCEMENT."

Sen. Com. No. 432, informing the House that the Senate has, on April 5, 2005, reconsidered action taken on April 4, 2005, in disagreeing to the amendments proposed by the House to the following Senate bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 789, "MAKING AN EMERGENCY HD 1 APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES."

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Chang, on behalf of Representative Tsuji, introduced Vocational Industrial Clubs of America (VICA) students from Hilo High School, accompanied by teacher, Mr. Jeff Roth; students from Waiakea High School, accompanied by teachers, Mr. John Wilkinson and Mr. Derrick Kiyon; and from Keauu High School, accompanied by teacher, Mr. Jun Pagala.

Representative B. Oshiro introduced Skills USA students of Aiea High School, accompanied by advisors, Ms. Corina Talioga and Mr. Ken Kang.

Representative Tanaka introduced Skills USA students of Lahaina Intermediate School, accompanied by advisors, Mr. Darryl Munetake and Mr. Anthony Griffith.

Representative Lee introduced Skills USA students from Mililani High School, accompanied by advisors, Mr. Owen Takamori, Mr. Darell Ota, Ms. Shelly Bishop, Mr. Tom Falenofoa, and Mr. Todd Yoshizawa.

Representative Luke, on behalf of Representative Hiraki, introduced participants of the 2005 Louis M. Brown International Client Counseling Competition, law student team members and coaches from Australia, Canada, England and Wales, Hong Kong, India, Malaysia, New Zealand, Nigeria, Northern Ireland, Puerto Rico, Republic of Ireland, Scotland, Sri Lanka and the United States, accompanied by Executive Director of the International Client Counseling Competition organization, Mr. Forrest Mosten; Professor of Law at Creighton University, Mr. Larry Temply; Assistant Dean of the William S. Richardson School of Law, Ms. Laurie Tochiki; and host of the competition, Mr. Marvin Dang.

Representative Moses introduced Skills USA students from Kapolei High School.

Representative Takai, on behalf of Representatives Takumi, Karamatsu and B. Oshiro, introduced members of the Junior VICA program, students of Highlands Intermediate School, accompanied by resource teacher, Mr. Eric Kanemoto; cafeteria manager, Darryl Nakagawa; and technology teacher, Ms. Jennifer Lum.

Representative Kahikina introduced from Kohala, former Representative David Tarnas.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENT

The following Senate bill was re-referred to committee by the Speaker:

S.B.  
No.            Re-referred to:

819,            Committee on Water, Land, & Ocean Resources,  
SD1            then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1528) recommending that H.C.R. No. 170, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO APPLY TAX INCREMENT FINANCING TO FINANCE THE DEVELOPMENT OF INFRASTRUCTURE FOR AFFORDABLE HOUSING PROJECTS," was adopted, with Representative Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1529) recommending that H.C.R. No. 294, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING DECEMBER 15 OF EVERY YEAR AS BILL OF RIGHTS DAY," was adopted, with Representative Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1530) recommending that H.R. No. 197, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 197, HD 1, entitled: "HOUSE RESOLUTION AUTHORIZING THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES, TOGETHER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO CONDUCT COMMUNITY MEETINGS THROUGHOUT THE STATE TO SEEK PUBLIC PARTICIPATION TOWARDS ENSURING THE VIABILITY OF HAWAII'S MARINE RESOURCES NOW AND FOR FUTURE GENERATIONS," was adopted, with Representative Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1531) recommending that H.C.R. No. 267, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 267, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES AND THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE, TOGETHER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO CONDUCT COMMUNITY MEETINGS THROUGHOUT THE STATE TO SEEK PUBLIC PARTICIPATION TOWARDS ENSURING THE VIABILITY OF HAWAII'S MARINE RESOURCES NOW AND FOR FUTURE GENERATIONS," was adopted, with Representative Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1532) recommending that H.R. No. 23, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 23, entitled: "HOUSE RESOLUTION URGING ALL HAWAII SCHOOLS TO IMPLEMENT STANDARD OF CONDUCT POLICIES TO

DISCOURAGE INTIMIDATION AND PROMOTE SAFE AND PEACEFUL SCHOOLS THAT ENCOURAGE EFFECTIVE LEARNING ENVIRONMENTS," was adopted, with Representative Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1533) recommending that H.C.R. No. 20, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HAWAII SCHOOLS TO IMPLEMENT STANDARD OF CONDUCT POLICIES TO DISCOURAGE INTIMIDATION AND PROMOTE SAFE AND PEACEFUL SCHOOLS THAT ENCOURAGE EFFECTIVE LEARNING ENVIRONMENTS," was adopted, with Representative Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1534) recommending that H.R. No. 208, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 208, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO THE STUDENT MEMBER OF THE BOARD OF EDUCATION," was adopted, with Representative Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1535) recommending that H.C.R. No. 282, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO THE STUDENT MEMBER OF THE BOARD OF EDUCATION," was adopted, with Representative Souki being excused.

#### ANNOUNCEMENTS

At 12:19 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

Representative Takamine, for the Committee on Finance, requested a waiver of the 48-hour advance notice requirement to hear:

- S.B. 1352, SD 1, Relating to Public Employees;
- S.B. 1888, Relating to the Hawaii Labor Relations Board;
- S.B. 486, Relating to Children and Youth;
- S.B. 1081, Making an Appropriation for Pouhala Marsh Education and Job Training Center;
- S.B. 1420, Relating to Psychotropic Medication;
- S.B. 1780, Relating to the Commission on Fatherhood;
- S.B. 819, Relating to the Hawaii Historic Preservation Special Fund;
- S.B. 1792, Making an Appropriation for International Business and Technology Incubator Program;

S.B. 802, Relating to State Pharmacy Assistance Program;  
and  
S.B. 1114, Relating to an Energy Storage System Tax Credit.

"These will all relate either to the Senate Drafts or the House Drafts presently in the Finance Committee," and the Chair "so ordered."

Representative Takamine: "Thank you very much, Mr. Speaker. Mr. Speaker, these bills will be on an agenda for public hearing scheduled for 1:30 p.m. this afternoon by the House Committee on Finance in Room 308. Decision-making to follow."

Representative Berg: "Thank you, Mr. Speaker. This is about the Foodbank again. We have two more weeks left and I wanted to acknowledge Representative Ching's office, for creating a replica of the State Capitol with space left for canned foods. So, if any office wants to donate anonymously, they can just put the cans right inside. Thank you."

Representative Takamine: "Mr. Speaker, I apologize. I omitted one further bill in requesting waiver: S.B. 1345, Relating to Condominiums. Thank you. Similarly, this bill will be on this afternoon's 1:30 p.m. agenda, with decision-making to follow. Thank you, Mr. Speaker."

Representative Arakaki: "Thank you, Mr. Speaker. We were going to recognize our 2005 Hawaii State Spelling Bee Champion, Jasmine Kaneshiro. However, I believe they're still in the Senate. If anyone would like to help me present a certificate to her and also to congratulate her, we'll meet up in the gallery and they should be over shortly. Thank you, Mr. Speaker."

At 12:26 o'clock p.m., Representative Kahikina requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

#### ADJOURNMENT

At 12:29 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, April 8, 2005. (Representative Souki was excused.)

## FORTY-SIXTH DAY

Friday, April 08, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by former Representative Nobu Yonamine, after which the Roll was called showing all members present with the exception of Representatives Berg and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Fifth Day was deferred.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 188 and 189) were received and announced by the Clerk:

Gov. Msg. No. 188, informing the House that on April 8, 2005, the following bill was signed into law:

S.B. No. 119, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS." (ACT 002)

Gov. Msg. No. 189, informing the House that on April 8, 2005, the following bill was signed into law:

S.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." (ACT 003)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 433 through 447) were received and announced by the Clerk:

Sen. Com. No. 433, transmitting S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SHARE ITS FINDINGS AND THE STATUS OF ITS ACTIVITIES REGARDING THE CREATION OF A COMPREHENSIVE VOG EMISSIONS MONITORING SYSTEM FOR THE ISLAND OF HAWAII," which was adopted by the Senate on April 7, 2005.

Sen. Com. No. 434, transmitting S.C.R. No. 195, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO IDENTIFY AND EVALUATE THE BARRIERS TO COMMUNITY-BASED ACCESS TO SPECIALTY CARE AND TO MAKE RECOMMENDATIONS TO IMPROVE ACCESS TO SPECIALTY CARE ON THE NEIGHBOR ISLANDS AND IN RURAL OAHU," which was adopted by the Senate on April 7, 2005.

Sen. Com. No. 435, transmitting S.C.R. No. 196, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," which was adopted by the Senate on April 7, 2005.

Sen. Com. No. 436, transmitting S.C.R. No. 227, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY BOARD AND PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," which was adopted by the Senate on April 7, 2005.

Sen. Com. No. 437, transmitting H.C.R. No. 77, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO SUPPORT EXISTING FEDERALLY QUALIFIED HEALTH CENTERS AND TO IDENTIFY STATEWIDE SITES THAT WOULD BENEFIT FROM THE DEVELOPMENT OF MORE FEDERALLY QUALIFIED HEALTH CENTERS STATEWIDE," which was adopted by the Senate on April 7, 2005.

Sen. Com. No. 438, transmitting H.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 439, transmitting H.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO NURSES," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 440, transmitting H.B. No. 295, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 441, transmitting H.B. No. 712, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 442, transmitting H.B. No. 895, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 443, transmitting H.B. No. 1201, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 444, transmitting H.B. No. 1202, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 445, transmitting H.B. No. 1430, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," which passed Third Reading in the Senate on April 7, 2005.

Sen. Com. No. 446, transmitting H.B. No. 1709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," which passed Third Reading in the Senate on April 7, 2005.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Berg and Souki were excused.)

H.B. No. 295, HD 2  
H.B. No. 712, HD 2  
H.B. No. 895, HD 2  
H.B. No. 1201, HD 2  
H.B. No. 1202, HD 2  
H.B. No. 1430, HD 2  
H.B. No. 1709

Sen. Com. No. 447, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 575, Chair: Fukunaga  
SD 1, HD 1 Co-Chairs: Kim, Taniguchi  
Members: Espero, Ige

S.B. No. 1699, Chair: Fukunaga  
SD 1, HD 1 Co-Chair: Taniguchi  
Members: English, Tsutsui

### INTRODUCTION

The following introduction was made to the members of the House:

Representative Hale introduced Hawaii County Council Chairman, Mr. Stacy Higa.

At 12:18 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

#### S.C.R.

<u>Nos.</u>	<u>Referred to:</u>
10, SD1	Committee on Education, then to the Committee on Finance
18	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Economic Development & Business Concerns
94	Committee on Transportation, then to the Committee on Finance
95	Committee on Human Services, then to the Committee on Legislative Management
96	Jointly to the Committee on Transportation and the Committee on Human Services, then to the Committee on Finance
107, SD1	Committee on Transportation, then to the Committee on Finance
135, SD1	Jointly to the Committee on Health and the Committee on Energy & Environmental Protection, then to the Committee on Finance
168	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

195, SD1 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

196 Committee on Health

227, SD1 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

#### COMMITTEE REASSIGNMENT

The following concurrent resolution was re-referred to committee by the Speaker:

#### H.C.R.

No. Re-referred to:

93, HD 1 Committee on Health

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Berg, Cabanilla, Chang and Souki were excused.)

#### UNFINISHED BUSINESS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1489) recommending that S.B. No. 122, SD 1, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 122, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1490) recommending that S.B. No. 556, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 556, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, on Stand. Com. Rep. 1490, Relating to Family Court, I'm standing in support with some reservations. My reservation, Mr. Speaker, is pertaining to a provision that was taken out in the Judiciary Committee. I understand that this is a work in progress, and hopefully, that we can work out the language of this.

"But the provision that I'm talking about, Mr. Speaker, will have a statement, a policy, saying that in its worse case or in a case where there's custody involved, a child's custody involved, that there is a rebuttable presumption that joint custody is preferred. That is all it is, Mr. Speaker. It is a starting point, not an end point. The court will look at this presumption, which can be rebutted by evidence from both parties. The

provision intended to have a default, which states that if there is domestic violence or if family violence is involved, that the presumption that already exists in statute takes precedence over this rebuttal presumptions.

"Other than that, Mr. Speaker, I do support this bill and hopefully that we can press on forward. Thank you very much."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I think that the Committee on Judiciary was quite concerned with any type of presumption. When we're talking about custody, the ultimate standard that must prevail is the best interest of the child. That's the current standard and I don't think we're at any point yet to make a policy decision that there should be a 'cookie cutter' approach when it comes to a child's best interest. And instead, must leave it up to the court's discretion for them to determine on an individual basis. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 556, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1491) recommending that S.B. No. 1695, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1695, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1492) recommending that S.B. No. 76, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 76, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1493) recommending that S.B. No. 960, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1494) recommending that S.B. No. 3, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN

SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1495) recommending that S.B. No. 1235, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1496) recommending that S.B. No. 797, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 797, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1497) recommending that S.B. No. 801, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 801, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INTEREST LOANS TO DISASTER VICTIMS," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1498) recommending that S.B. No. 1854, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1854, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1499) recommending that S.B. No. 1483, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1483, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1500) recommending that S.B. No. 1661, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1661, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Fox rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations on Stand. Com. 1500. My reservations relate to the part of the bill that raises the pay of principals by giving them a twelve-month contract. I am in favor of paying principals more, but believe strongly that that should have a condition to it, and the condition would be that principals would agree to go on performance based contracts. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1661, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1501) recommending that S.B. No. 1262, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1262, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, on 1501, in support with reservations. My reservations are just looking at the title, it's talking about commercial vehicles along the Waianae coast, from Kalaeloa down the Waianae coast. And I'm concerned that this may interfere with future uses of ferry vehicles from that area, which desperately needs it, to other places. I just want to make sure we're not trying to preclude that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1262, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1502) recommending that S.B. No. 1427, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1427, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, on the next item 1502. It's a good idea to look at procurement of high-energy efficient vehicles, but the language is a little too limiting. It does not allow DOT or anybody else to look at other vehicles except for the ones that are indicated in the measure. So maybe it should be broadened."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1427, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF HIGH ENERGY EFFICIENT

VEHICLES," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1503) recommending that S.B. No. 1453, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1453, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1504) recommending that S.B. No. 1554, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1554, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1505) recommending that S.B. No. 1267, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1267, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just want to check on a potential conflict on Stand. Com. Rep. 1505. I'm an attorney and we're already monitored by the Hawaii State Bar Association."

The Chair then stated:

"They're not sharks."

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1267, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Marumoto, Meyer and Thielen voting no, and with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1506) recommending that S.B. No. 1268, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1268, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

At 12:53 o'clock p.m., the Chair noted that the reports of the Committee were adopted, and S.B. Nos.: 122, SD 1, HD 3; 556, SD 2, HD 2; 1695, SD 2, HD 2; 76, SD 1, HD 1; 960, HD

1; 3, SD 2, HD 2; 1235, HD 1; 797, SD 1, HD 1; 801, SD 2, HD 1; 1854, SD 1, HD 2; 1483, SD 1, HD 1; 1661, SD 2, HD 2; 1262, SD 1, HD 2; 1427, SD 1, HD 2; 1453, SD 2, HD 1; 1554, SD 1, HD 2; 1267, SD 2, HD 2; and 1268, SD 2, HD 2, passed Third Reading.

#### STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1536) recommending that S.B. No. 680, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 680, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1537) recommending that S.B. No. 120, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 120, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representatives Hiraki and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1538) recommending that S.B. No. 1170, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1170, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1539) recommending that S.B. No. 1140, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1140, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICE LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1540) recommending that S.B. No. 1100, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1100, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1541) recommending that S.B. No. 1285, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1285, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representatives Luke and Hiraki, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1542) recommending that S.B. No. 1336, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1336, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1543) recommending that S.B. No. 1713, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1713, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUAPAPA," passed Second Reading and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1544) recommending that S.B. No. 27, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 27, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure, stating:

"Mr. Speaker, on Stand. Com. Rep. 1544, I'm in strong support and just request that I be able to insert comments into the Journal."

The Chair then stated:

"Representative Sonson, would you like to do it at Third Reading?"



Representative Sonson responded:

"Oh yes, I can do that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 27, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAPIOLANI CHILD AT-RISK EVALUATION PROGRAM," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1545) recommending that S.B. No. 97, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 97, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION AMOUNT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1546) recommending that S.B. No. 460, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX REFUNDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1547) recommending that S.B. No. 817, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 817, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1548) recommending that S.B. No. 1740, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1740, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADJUSTING THE INCOME TAX BRACKETS," passed Second Reading, and was placed on the calendar for Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1549) recommending that S.B. No. 1781, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1781, HD 1, pass

Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm sorry. Stand. Com. Rep. No. 1549, Making an Appropriation for Community-based Reintegration Programs, in strong opposition. This mentions two programs out in the community. The First L.A.P. and also the Victory Ohana. This seems like a grant-in-aid to these non-profit organizations that work with convicted felons being reintegrated into the communities. I have personal experience with a program in Waipahu called Victory Ohana. They have a facility there called Alcatraz, which has been in violation of City and County codes and probably, I'm not aware of any success that they have going in the community other than to have the Paroling Authority reporting back to this particular Representative stating that they have gone and continued to monitor activities there, and that includes drug trafficking, drug use, etc.

"Mr. Speaker, the area that they're in in Waipahu is a 'Weed and Seed' area. This is not a safe place to put a facility such as this. The facility should actually be funded, if we're going to fund a reintegration program, it should be funded at the Department of Public Safety where we can maintain security measures to insure that these individuals will not crawl or walk into the community, and further make the area more high risk than it is already.

"With a 150-bed facility, even a 10-bed facility; whatever it may be. Mr. Speaker, they come into our community with no regulations, with no restrictions whatsoever in law right now. They do not only bring themselves, they also bring families, friends and probably their drug dealer at that. They are a blight in our community even if it's just a 5 to 10-bed facility. This facility that's mentioned in this bill is a 150-bed facility; and they have two in Waipahu.

"I do not wish to support a program such as this into a community without further looking at to their successes in to what they can really offer as to our goal and our policies in to eradicating ice use in the community. The integration of felons, Mr. Speaker, with no control, without regulation, is not something that I can support. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I just want to thank the previous speaker. I actually think he argues for these reintegration programs. If our society assumes that when people come out of prison that they're no longer good members of our society, then the fact is they don't have places to live. They don't have opportunities for jobs. They don't have any transition time, you know, to come back into the community. So these programs are very important.

"If the problem is, that maybe this particular group, you know, the community is not happy with the way they do things. Then maybe we need some legislation in terms of good auditing, transparency; things that make sure that they deliver what they say they're going to deliver. This is really critical that we help these people transition. Otherwise, they're going to get in trouble if they can't find a job, if they can't reintegrate with our communities. So, I am in support of this. Thank you."

The Chair then stated:

"Members, can we proceed on? This is just Second Reading and being placed on the calendar for Third Reading. And for those of you who spoke already on Second Reading, your comments will be incorporated on Third Reading."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1781, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS," passed Second Reading, and was placed on the calendar for Third Reading with Representative Sonson voting no, and with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1550) recommending that S.B. No. 834, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 834, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1551) recommending that S.B. No. 1410, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1410, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, on page nine, I have comments on 1551, 1552 and 1553 with reservations; slight reservations. It's a very good bill, very good idea, Earned Income Tax Credit. It draws on TANF funds instead of general funds, and my only concern is that we've used TANF funds a lot in this Session and I haven't seen it all put together so I don't know if we're just using more than we have or not. I'm sure the Finance Committee is tracking that. But, I just haven't seen this. That's my only comment on those measures, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1410, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1552) recommending that S.B. No. 1685, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1685, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations again. This is sharing taxpayer information with the counties; tax information from the State to the counties. I think that's a good idea. However, there is no clause that prevent a county from re-sharing this information. There's no prohibition and I believe there should be one in the bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1685, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1553) recommending that S.B. No. 1352, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1352, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This one, I have a lot of serious comments but I'll save those for Third Reading. I just want to vote no at this point."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On the same measure, 1553, I'm rising in opposition to that, Mr. Speaker. I do want to clarify though, that I am in support of the paid leave if when a State employee serves as a bone marrow donor or an organ donor. I cannot support the provision that was added in to this bill, I guess, at the last moment. That provision allows a public employer to negotiate over permissive as distinct from mandatory subjects of collective bargaining. I think that's a bad policy decision. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Same comments, in opposition please."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fox rose to speak in opposition to the measure, stating:

"A no vote. It's undoing the Civil Service Reform Act that we all worked on in 2000."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"During this year's legislation bills such as this one continue to mandate the State to follow certain guidelines regarding sick leave that may cause undue hardship to the State budget. The State already provides ample vacation and sick leave benefits that may be used for the purposes of bone marrow and organ donations. Matters relating to leaves are subject to collective bargaining pursuant to Chapter 89, Hawaii Revised Statutes."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1352, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Fox, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1554) recommending that S.B. No. 1888, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1888, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition of 1554 and 1555. I'd like to say some comments on 1554. We're trying to change how we appoint people to the Hawaii Labor Relations Board or just extend their terms. And I think this is just because we have a Republican Governor; we don't want her to have the ability to appoint people so we're just going to extend it until, hopefully, she's gone. Thank you."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1888, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Fox, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Berg and Souki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1555) recommending that S.B. No. 101, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 101, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative s Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Fox, Halford, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Berg and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1556) recommending that H.C.R. No. 75, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 75, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RE-EVALUATE ITS MEMORANDUM OF UNDERSTANDING WITH THE CRUISE SHIP INDUSTRY," was adopted, with Representatives Berg and Souki being excused.

**THIRD READING****S.B. No. 40, SD 1, HD 1:**

Representative M. Oshiro moved that S.B. No. 40, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I have some written comments in strong support of S.B. 40. However, I just want to publicly acknowledge *Na Tutu*. And they're a small group of grandmothers who have initiated rights for grandparents for their grandchildren. And the rest of my comments, I would like to have inserted into the Journal."

Representative Arakaki's written remarks are as follows:

"Prior similar bills on this subject have been introduced during the past four Sessions of the Legislature. The education consent was enacted into law in 2003 after 4 years, however the medical consent portion was left out, so the above-mentioned bills are for medical consent, surgical, dental, vision, or mental health care. In Hawaii, immunization for children is already available without parental consent. Emergency care is also available if two or more physicians agree to medical services as necessary.

"The State of Hawaii leads the Nation with the number of grandparents or other relative caregivers raising their grandchildren or related family members per the 2000 Census.

"Hawaii has some alarming statistics. We are number one in crystal methamphetamine use and have the most children (about 13%) being raised by grandparents. I have spoken with numerous grandparents who are raising their grandchildren primarily because the parents are using "ice" and have disappeared or are too paranoid to sign any papers.

"The dilemma for these grandparents is their inability to obtain medical care and their fear of involvement with Child Protective Service. They are afraid the children will be removed from the home and/or have to declare that their own child is an unfit parent. Many are not interested in formal guardianships; adoption or foster care as they do not want to interfere with parental rights and cause alienation from their own child. In most cases these grandparents are taking care of the child rearing expenses on their own therefore saving the State of Hawaii money.

"*Na Tutu* (grandparents) began in 1999 as a sub-committee of the statewide organization of Family & Community Education Clubs, affiliated with the University of Hawaii at Manoa, College of Tropical Agriculture & Human Resources, Cooperative Extension Service and has now partnered with the City & County Elderly Affairs Program, Queen Liliuokalani's Children Center, Kaneohe Community Family Center, PACT (Parents and Children Together), Alu Like, Foster Grandparent Program, Kokua Council and the National AARP. This action was necessary since some schools would not allow grandparents to allow their grandchildren to receive medical care without the parents consent. They required guardianship documents, which most grandparents do not have and the cost of a guardianship is prohibitive for grandparents who are living on fixed incomes and are supporting these grandchildren on whatever their fixed incomes will allow.

"Many grandparents in the states on the Mainland had similar situations, so grassroots people went to bat for laws to help them in their dilemma. Many of these states also have

"informal consent" to allow for medical services for minor children. In California, the model of this bill, the medical consent affidavit is attached to the educational consent affidavit for "easy keeping".

"There are currently over 20 states, including the District of Columbia, with medical consent laws, although the laws differ in various ways. In one state an affidavit would be required, and in another only a verbal consent is necessary. Medical services differ also, whereas one state allows for only immunization, another state will allow for complete medical services.

"I humbly ask for your support on these bills and hope we can add the State of Hawaii to the list of States that already have medical laws."

The motion was put to vote by the Chair and carried, and S.B. No. 40, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

**S.B. No. 621, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 621, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

**S.B. No. 698, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

**S.B. No. 1872, HD 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

At 1:06 o'clock p.m., the Chair noted that S.B. No. 40, SD 1, HD 1; 621, HD 1; 698, HD 1; and 1872, HD 1, passed Third Reading.

**SUSPENSION OF RULES**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to H.B. 624, SD 1. (Representatives Berg and Souki were excused.)

**RECONSIDERATION OF ACTION TAKEN**

Representative M. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for H.B. No. 624, SD 1, seconded by

Representative B. Oshiro and carried. (Representatives Berg and Souki were excused.)

At this time, Representative B. Oshiro moved to keep the Journal open until 10:00 p.m. this legislative day for the purpose of receiving Standing Committee Reports and Senate bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Berg and Souki were excused.)

At 1:08 o'clock p.m., the Chair declared a recess and the House of Representatives stood in recess until 8:30 o'clock a.m., Tuesday, April 12, 2005. (Representatives Berg and Souki were excused.)

#### STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Nos. 1557 through 1634) were received by the Clerk prior to 10:00 p.m. this legislative day, and the following action taken:

Stand. Com. Rep. No. 1557 (CPC/JUD) and S.B. No. 77, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1558 (CPC) and S.B. No. 761, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1559 (CPC) and S.B. No. 1903, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1560 (CPC) and S.B. No. 971, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1561 (CPC) and S.B. No. 1141, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1562 (CPC) and S.B. No. 118, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1563 (CPC) and S.B. No. 568, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1564 (CPC) and S.B. No. 1003, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1565 (CPC/JUD) and S.B. No. 121, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1566 (FIN) and S.B. No. 1864, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE

JUDICIARY COMPUTER SYSTEM SPECIAL FUND," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1567 (FIN) and S.B. No. 669, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1568 (FIN) and S.B. No. 117, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1569 (FIN) and S.B. No. 1221, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1570 (FIN) and S.B. No. 433, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1571 (FIN) and S.B. No. 1778, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1572 (FIN) and S.B. No. 1772, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1573 (FIN) and S.B. No. 294, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1574 (FIN) and S.B. No. 1193, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1575 (FIN) and S.B. No. 1137, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1576 (FIN) and S.B. No. 639, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1577 (FIN) and S.B. No. 1643, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1578 (FIN) and S.B. No. 1814, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1579 (FIN) and S.B. No. 667, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1580 (FIN) and S.B. No. 467, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT

RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1581 (FIN) and S.B. No. 55, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1582 (FIN) and S.B. No. 1194, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1583 (FIN) and S.B. No. 1378, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR HISTORIC TRAIL," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1584 (FIN) and S.B. No. 1891, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1585 (FIN) and S.B. No. 1897, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1586 (FIN) and S.B. No. 873, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1587 (FIN) and S.B. No. 1256, as amended in HD 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1588 (FIN) and S.B. No. 1257, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1589 (FIN) and S.B. No. 1747, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LYON ARBORETUM," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1590 (FIN) and S.B. No. 1557, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1591 (FIN) and S.B. No. 1201, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1592 (FIN) and S.B. No. 1420, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1593 (FIN) and S.B. No. 244, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT

RELATING TO LONG TERM CARE," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1594 (FIN) and S.B. No. 935, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1595 (FIN) and S.B. No. 1698, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY GROWTH," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1596 (FIN) and S.B. No. 1702, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1597 (FIN) and S.B. No. 1250, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1598 (FIN) and S.B. No. 1889, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIPS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1599 (FIN) and S.B. No. 751, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1600 (FIN) and S.B. No. 1792, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR PROGRAM," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1601 (FIN) and S.B. No. 819, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1602 (FIN) and S.B. No. 1697, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1603 (FIN) and S.B. No. 116, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1604 (FIN) and S.B. No. 1022, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1605 (FIN) and S.B. No. 1745, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF FOR MANOA FLOOD VICTIMS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1606 (FIN) and S.B. No. 982, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SHELTERS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1607 (FIN) and S.B. No. 1394, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1608 (FIN) and S.B. No. 1729, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1609 (FIN) and S.B. No. 682, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1610 (FIN) and S.B. No. 1780, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1611 (FIN) and S.B. No. 673, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1612 (FIN) and S.B. No. 617, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETER SERVICES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1613 (FIN) and S.B. No. 1843, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1614 (FIN) and S.B. No. 1038, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1615 (FIN) and S.B. No. 1592, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1616 (FIN) and S.B. No. 1721, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1617 (FIN) and S.B. No. 708, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1618 (FIN) and S.B. No. 738, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1619 (FIN) and S.B. No. 959, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1620 (FIN) and S.B. No. 813, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1621 (FIN) and S.B. No. 1816, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1622 (FIN) and S.B. No. 807, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1623 (FIN) and S.B. No. 1114, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN ENERGY STORAGE SYSTEM TAX CREDIT," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1624 (FIN) and S.B. No. 1081, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POUHALA MARSH EDUCATION AND JOB TRAINING CENTER," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1625 (FIN) and S.B. No. 440, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1626 (FIN) and S.B. No. 791, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1627 (FIN) and S.B. No. 486, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1628 (FIN) and S.B. No. 1620, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1629 (FIN) and S.B. No. 1877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1630 (FIN) and S.B. No. 1876, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1631 (FIN) and S.B. No. 802, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1632 (FIN) and S.B. No. 179, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1633 (FIN) and S.B. No. 212, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," were placed on the calendar for Third Reading on April 12, 2005.

Stand. Com. Rep. No. 1634 (FIN) and S.B. No. 962, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," were placed on the calendar for Third Reading on April 12, 2005.

#### ADJOURNMENT

At 10:00 o'clock p.m., the House of Representatives adjourned until 8:30 o'clock a.m., Tuesday, April 12, 2005.

#### HOUSE COMMUNICATIONS

House Communication dated April 8, 2005, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 8, 2005 to the following House Bill:

H.B. No. 624, SD 1