

FORTY-SEVENTH DAY

Tuesday, April 12, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 8:37 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Associate Pastor Kenrick Odani of Kapahulu Bible Church, after which the Roll was called showing all members present with the exception of Representatives Chong, Fox, Ito, Karamatsu, Meyer, Souki, Stonebraker and Takamine, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 448 through 460) were received and announced by the Clerk:

Sen. Com. No. 448, transmitting S.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF METHODOLOGIES USED FOR CONTROLLING NON-NATIVE GAME ANIMALS IN HAWAII'S FOREST AREAS," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 449, transmitting S.C.R. No. 85, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT PEER EDUCATION PROGRAMS IN ALL PUBLIC SECONDARY SCHOOLS," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 450, transmitting S.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HEALTHCARE ASSOCIATION OF HAWAII TO ESTABLISH A TASK FORCE TO DESIGN A SYSTEM FOR REPORTING HOSPITAL ACQUIRED INFECTIONS TO THE PUBLIC," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 451, transmitting S.C.R. No. 138, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 452, transmitting S.C.R. No. 188, entitled: "SENATE 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," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 453, transmitting S.C.R. No. 191, entitled: "SENATE 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," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 454, transmitting S.C.R. No. 192, entitled: "SENATE 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," which was adopted by the Senate on April 8, 2005.

Sen. Com. No. 455, transmitting H.B. No. 584, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES.," which passed Third Reading in the Senate on April 8, 2005.

Sen. Com. No. 456, transmitting H.B. No. 868, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES," which passed Third Reading in the Senate on April 8, 2005.

Sen. Com. No. 457, transmitting H.B. No. 1154, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 8, 2005.

Sen. Com. No. 458, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 515, Chair: Inouye
SD 1 Co-Chairs: Fukunaga, Ige
Member: Whalen

H.B. No. 1453, Chair: Hanabusa
HD 1, SD 1 Members: Hee, Whalen

H.B. No. 1712, Chair: Hanabusa
HD 1, SD 1 Members: English, Hee, Whalen

Sen. Com. No. 459, 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 Bill:

S.B. No. 459, Chair: Baker
SD 2, HD 1 Co-Chair: Tsutsui
Members: Taniguchi, Whalen

S.B. No. 607, Chair: Hanabusa
SD 1, HD 1 Members: Hee, Whalen

S.B. No. 637, Chair: Ige
SD 2, HD 1 Co-Chair: Taniguchi
Members: Fukunaga, Tsutsui, Slom

S.B. No. 700, Chair: Hanabusa
SD 1, HD 1 Members: Chun Oakland, Hee, Whalen

S.B. No. 943, Chair: Kanno
SD 1, HD 1 Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1045, Chair: Kanno
SD 1, HD 1 Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1046, Chair: Kanno
SD 1, HD 1 Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1047,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1048,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1049,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1050,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1362,
SD 1, HD 1
Chair: Inouye
Co-Chair: Espero
Members: Baker, Whalen

S.B. No. 1579,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Slom

S.B. No. 1580,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1581,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1582,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1583,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1584,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1585,
SD 1, HD 1
Chair: Kanno
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 1796,
SD 1, HD 1
Chair: Hanabusa
Members: Hee, Whalen

Sen. Com. No. 460, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following Senate bills:

S.B. No. 575,
SD 1, HD 1
Senator Hogue added as a Member.

S.B. No. 1699,
SD 1, HD 1
Senator Hogue added as a Member.

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 Meyer and Stonebraker were excused.)

H.B. No. 584, HD 1
H.B. No. 868, HD 2
H.B. No. 1154, HD 1

COMMITTEE REASSIGNMENTS

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
50, SD1	Committee on Water, Land, & Ocean Resources
85, SD1	Committee on Education, then to the Committee on Finance
132	Committee on Health, then to the Committee on Finance
138, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
188	Committee on Education, then to the Committee on Finance
191	Committee on Education
192	Committee on Public Safety & Military Affairs

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 Meyer and Stonebraker were excused.)

UNFINISHED BUSINESS

Representatives Hiraki and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1557) recommending that S.B. No. 77, SD 1, HD 1, 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. 77, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1558) recommending that S.B. No. 761, 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. 761, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1559) recommending that S.B. No. 1903, SD 1, HD 1, pass Third Reading.

ORDER OF THE DAY

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," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1560) recommending that S.B. No. 971, 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. 971, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1561) recommending that S.B. No. 1141, 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. 1141, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1562) recommending that S.B. No. 118, 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. 118, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1563) recommending that S.B. No. 568, 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. 568, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Hiraki, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1564) recommending that S.B. No. 1003, 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. 1003, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Third Reading by a vote of 49 ayes, with Representatives Meyer 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. 1565) recommending that S.B. No. 121, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 121, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Thank you, Mr. Speaker. I'm rising to speak on Standing Committee Report 1565. Mr. Speaker, I'm speaking with reservations. I'm going to vote for the bill, but let me explain my reservations. This bill relates to brewpub licensees. We have a new small industry here, and those are the brewpubs that are providing very interesting boutique beers primarily on the island of Maui.

"And the brewpubs have come to the Legislature asking for the ability to sell directly to restaurants. When they have to go through a middle person, it really markets them out, and they're not in competition then with other products that would be served at the restaurant. It seemed to make sense especially in the smaller Neighbor Island communities, for the brewpubs to be able to brew and then distribute and sell directly to the restaurants in their community.

"Unfortunately that ability was taken out of the bill, and now the bill just simply says they can sell in recycled material and recycled glass. So it's a shame to see that come out. I would hope that when the Conference Committee meets with the Senate, that we can go back to the original purpose. Thank you."

Representative Marumoto 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 Finnegan 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.)

At 8:44 o'clock a.m., Representative Halford requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:44 o'clock a.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1566) recommending that S.B. No. 1864, 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. 1864, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Stonebraker being excused.

At 8:45 o'clock a.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 77, SD 1, HD 1; 761, SD 2, HD 1; 1903, SD 1, HD 1; 971, SD 2, HD 1; 1141, SD 1, HD 2; 118, SD 2, HD 2; 568, SD 1, HD 2; 1003, SD 2, HD 2; 121, HD 1; and 1864, SD 1, passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1567) recommending that S.B. No. 669, 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. 669, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1568) recommending that S.B. No. 117, 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. 117, 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. 1569) recommending that S.B. No. 1221, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1221, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

The Chair then stated:

"Any further discussion? If not, Representative Blake Oshiro, for the vote."

Representative Fox rose, stating:

"Mr. Speaker, there are several more bills on this page."

Speaker Say: "I asked if there was any further discussion on any other bills on page 3.

Representative Fox: "Okay. I have problems with two of them."

Speaker Say: "The Chair recognizes you. Please proceed. For the record, which Standing Committee Report are you speaking on?"

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

"I'm rising in opposition to Stand. Com. Report 1569. Mr. Speaker, there was a move toward education reform last year. The idea behind the move of education reform was to give autonomy to the Department of Education so that they could establish and lay down their own policies. And here we come along and we decide to tell the Department of Education how to organize its K through 12 instruction and use of staff. For that reason, I oppose this bill."

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

"Yes, on that same measure. I'm going to vote in support, Mr. Speaker. However, I think that the comments of the

previous speaker should be taken to heart. We're going back on what we said last year. But more so, we're reducing the class size, but we're not, because we're not providing any new class space. What we're doing is maybe putting two teachers in one classroom. We're not really reducing class size so we can put ourselves on the back for saying that we did. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with some strong reservations on this measure. I'm requesting that I can insert some more lengthy comments in the Journal. But I just want to point out to the Members that in the testimony of the Superintendent, she estimated that if this bill were to pass, it would cost about \$58.1 million and we have to think about how we're going to balance the budget."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on this measure. SB 1221, HD1, is supposed to improve the effectiveness of classroom teachers and elevate student performance by reducing class size and hiring part time teachers, tutors and part time aides to reduce the student-to-teacher ratio. There is no question the bill is well intended but the price tag is far more than we can accommodate in this year's biennium budget. How much you ask? The Superintendent of Education estimates \$116.2 million for the next two years.

"The draft before us would limit kindergarten through second grade to no more than 18 students. For grades three through five, the limit would be 25. By reducing classes by these numbers we would be forced to build many more classrooms and that capital cost is not even considered in this bill.

"We just passed Act 51 in 2004, and that bill was billed as reinventing education and included increased funding. The principals will have control over 70% of the school dollar and with the School Community Councils will establish curriculum and budgets for their schools. This bill seems to be dictating what will be the policy for all public schools in regards to class size from kindergarten through fifth grade. I believe the individual schools should be able to make those kinds of decisions.

"Lastly Mr. Speaker, I am concerned with the willingness of this body to expend such large amounts of money to create smaller classroom sizes while there is no demonstrable evidence that smaller class size insures higher academic results."

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

"Thank you, Mr. Speaker. I am in support on the intent of this measure. I am sure most of us would like smaller classrooms. It's a noble idea. However, there is a problem with the lack of teachers.

"We have a drastic shortage now of perhaps 500 teachers. We have a shortage of classrooms as brought up by the Representative from Makakilo. The Minority Leader said that the cost of providing this ratio, smaller class size ratio, would be \$58 million plus. \$23 million would be for reduction of class sizes in grades 3 through 5. \$25 million plus would be to reduce the ratio of students to teachers in grades K through 2. \$3.5 million would be for the hiring of part-time teachers, tutors, or both for public elementary schools. \$1.5 million would be for the hiring of part-time teachers, tutors or both for public intermediate schools. \$3.9 million for hiring additional

part-time teachers, aides or both when the ratio is exceeded in grades 3 through 5. It's a tall order, Mr. Speaker. Thank you."

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

"Mr. Speaker, I rise in strong support of this measure. I think one of the deterrents of better education in this State is because our classrooms are just crowded and the teachers just have so many students to teach. So even if it means hiring part-time teachers, or putting two teachers in the classroom, that's still an improvement to what we have now. So, I rise in strong support. Thank you."

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

"Mr. Speaker, I have reservations. And my reservations are that basically, I think that it's a good decision to have smaller classrooms. But the purpose of Act 51 was to get the decision-making down to the school level. And I think that where that needs to start in embracing Act 51 is here, where we start letting go and we start letting it actually get down to the classroom or to the school level.

"So, I will support it because I do understand that this is something that the teachers need. However, we really need to start to lead by example. 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. 1221, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," 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. 1570) recommending that S.B. No. 433, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 433, SD 2, 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. On 1570, I'm in opposition, Mr. Speaker. And my reasons are, right now individuals can vote absentee. This measure calls for at least 3 precincts voting by absentee, voting by mail. We can do that now. We can do it now in every single precinct. I don't believe this will in any way increase participation. But somehow, it feels dirty to me. It takes away an individual's right to go to the polls and vote, and I think that's a right that we should cherish. So, for those reasons, I'm in opposition."

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

"Thank you, Mr. Speaker, in opposition and short comments. In regards to one of these districts that has a low voter turnout, I come from one of those districts, the Waianae area. My parents still live there and I have aunts and uncles and friends and family, and I don't think that they are willing to try this pilot project. I spoke with a few of them and they did not like the idea of not being able to go to the polls. And I believe that people who want to vote by mail still have that opportunity to do so by absentee. So, I speak for them and myself that I don't think this is a good bill. Thank you."

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

"Thank you, Mr. Speaker, in support. Mr. Speaker, I think it's the job of the government to try to do things better. I think that's why a pilot project that focuses just on 3 precincts that can possibly demonstrate that we can do things better is a good idea. If it doesn't work out, we won't go further. Thank you, Mr. Speaker.

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

"Thank you, Mr. Speaker. A no vote, also, on the mandatory vote by mail bill. And Mr. Speaker, I'd like to request that my remarks be placed in the Journal," and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"Some Maui voters won't be allowed to go to the polls to vote in the next election. Those voters will be forced to vote by mail, even if they want to exercise their right to vote at a polling place. Senate Bill 433 establishes a pilot program in three districts in the State with the lowest voter turnout. While the definitions in the bill are still unclear, these districts would likely be District 10 (West Maui), District 11 (South Maui), and District 45 (Waianae-Makaha).

"Proposals to increase citizen participation in our electoral process are certainly noble. There is genuine concern about declining voter turnout and apathy. But experts who have looked at this issue recognize that a mail-based system can result in both fraud and disenfranchisement.

"Unlike voting in person, the mail system would not ensure that the person who is eligible to cast the vote actually receives the ballot. When you go to the polls you have to show identification and prove you are the voter before you are handed a ballot. A ballot sent to a PO box or even a home address, can be opened by anyone and filled in. Voting at the polling booth better ensures there is as little chance as possible that anyone but the voter received the ballot, marks the ballot and casts her or his ballot.

"Verifying signatures also becomes a problem with an exclusive vote by mail system. In Oregon it was found that clerks who could not read or match a person's handwriting with the signature on file at the elections office, actually tossed the ballot out. This meant your vote simply didn't count.

"A third problem with vote by mail is the inability to verify that you have filled out your ballot correctly. Today's electronic ballot boxes reject a ballot if too many *pukas* have been filled in or if the person has voted for two different parties in a primary election. When an error is detected, the voter gets an opportunity to go back into the voting booth and correct her or his ballot. This verification process is absent in a vote by mail system. Voters hope for the best, but are never sure they filled out everything correctly and that their vote will be counted.

"Finally, the premise behind vote-by-mail schemes is that it will increase voter participation. The facts have not shown this to be the case. In Oregon, the only state to use voting by mail, turn outs have been no higher than national averages. In fact in a recent special election in Oregon, the turn out was a paltry 32%.

"If West and South Maui voters want to retain their right to vote at polling places, they should immediately call their Senators and Representatives to ask them to kill SB 433. The right to vote at the polls is one of the most precious gifts we have when we live in a democracy. Let's not lose it by banning people from going to the polls."

Representative Pine 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 her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"While there are benefits voting by mail including convenience and raising voter participation, the objection, I have to this bill is that it proposes to eliminate the ability of certain districts to vote in person. This bill affects how residents can vote which is in the most secure and tamper-proof way by voting at the booth. Many voters value Election Day as an all too rare community event whereby townspeople gather to demonstrate and reaffirm our democracy. It has also been said that all-mail elections may compromise the integrity of elections, that without the privacy and sanctity of the polling place and voting booth, voters may be subject to coercion or intimidation, that voters may make their choices without benefit of receiving all information on a candidate or an issue. Ultimately, the right of going to the polls should not be taken from any voter."

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

"Mr. Speaker, I thank you, Mr. Speaker. I want to vote no and I won't comment on the good reasons why we should vote no. I won't reiterate them. But I'll add, please, one of the districts is my own district, South Maui.

"Mr. Speaker, I do not believe that in actuality our district is among the lowest in voter turnout. Our voters are good voters. The problem is that the voter registration list is behind in regards to our district. And admittedly, that people in my district are transient, relatively. I mean, there a lot of people that have been in Kihei for just maybe 2 or 3 years and that exacerbates the problem with the voter registration list; the voter registration. When people leave the island or leave the State they don't make any change to their voter registration.

"So the bottom line is there's a lot of people on the voter registration list in South Maui that don't live in South Maui, and that's the reason it appears as a low voter turnout. But in actuality, we have a very good turnout and this pilot program would be better served using another district. Thank you"

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

"Thank you, Mr. Speaker, in strong support. I'm not sure whether my district is in the list of three. I hope it is because we would like it. In the rural areas, it would really be a convenience. 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 Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Halford, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1571) recommending that S.B. No. 1778, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1778, SD 2, 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. I'm rising in opposition to Stand. Com. Rep. 1571, Relating to Contractors. This bill requires the Regulated Industries Complaint Office to commence investigations of complaints of unlicensed contracting within, originally it was 7 days of receipt of a complaint and do a complete investigation within, again the bill is now blank, but it was originally 20 days.

"The deadlines for complaint investigations were unrealistically short. The review of complaints sometimes requires considerable time, especially since RICO's Consumer Resource Center often receives insufficient information from complainants. Field investigators typically must seek additional information, request supporting documents and obtain independent confirmation of alleged wrong doing from witnesses, if any.

"Receipt of such additional information is rarely done within 20 days. If this bill passes, regardless of the dates, it would remove the DCCA's ability to refrain from investigating complaints it deems unmeritorious.

"And finally, the DCCA was concerned that the results of passing this bill will create an unfair treatment of other types of licensees. It accords preferential treatment to complaints involving contractors at the expense of other types of complaints that RICO investigates. For those reasons, I cannot support this. 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."

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 Committee was adopted and S.B. No. 1778, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fox, Meyer and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1572) recommending that S.B. No. 1772, SD 1, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1772, SD 1, 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 to Stand. Com. No. 1572. Mr. Speaker, this is a bill that wants to go out and conduct an investigation of employers to find if they have people on their rolls who are getting assistance, medical assistance from the State.

"Mr. Speaker, I think that our objective, and I really think this is a collective objective shared by all of us is to get as

many people covered by medical insurance including people with children. That's where the Department of Human Resources should be putting its resources. It should be trying, along with the Department of Health, to make sure. And the Department of Human Services because it's involved with the Medicaid program. The two Departments should be working together to cover as many Hawaii children as possible.

"And in addition, Mr. Speaker, if we wanted to cover more people, we can make sure that the State treats substitute teachers in such a way that they have medical coverage. That would cover a lot more people. Thank you, Mr. Speaker."

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 rise to speak in opposition to SB 1772 SD1, HD2, Relating to Employers for the following reasons:

"It imposes a new reporting burden on employers and represents an unfunded mandate on the Department of Human Services (DHS) to administer this new initiative.

"This measure would impose a ridiculous workload on DHS. People frequently change jobs and although this reporting requirement would cover new hires, there is no way that DHS would know whether an employee has left the previous job. The new job may in fact be an additional job. Many people in Hawaii work two or three jobs. Also it would be confusing and difficult to follow if a full time worker's hours were reduced to part time or vice versa.

"The bill does not include the Attorney General's recommendations that the report include the name of an individual's medical assistance program beneficiary(ies). The report should also be subject to applicable privacy standards established under the federal Medicaid regulations and the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This is necessary as federal Medicaid regulations are often more stringent than the privacy requirements imposed by HIPAA and this change more accurately states the legal reference to HIPAA.

"It is also unclear whether this measure is intended to identify potential employer violations of the Hawaii Pre-Paid Health Care Act. Currently, DHS has no jurisdiction, and does not have the authority to publicly inform the community at large of the companies who pay such low wages that their employees qualify for government subsidy programs. Therefore, this measure is unnecessary as DHS already incorporates policies and procedures to reduce the cost shifting of medical assistance responsibility from the private sector to taxpayers. In addition, DHS incorporates third party liability in determining eligibility for medical assistance through the Medicaid program and Hawaii Administration Rules refuses eligibility of individuals who qualify for their employer-sponsored health coverage. This provision does not extend to the employee's spouse or dependents, as the Hawaii Pre-Paid Health Care Act does not mandate their mandatory coverage by the employer.

"This bill apparently targets the national chain, Wal-Mart. However, I have not heard of any evasion of the payment of medical insurance locally.

"If the Legislature and the State were truly interested in the health and welfare of its employees, they could offer health coverage to our substitute teachers. According to DHRD, substitute teachers do not receive any health benefits from the

State regardless of the amount of hours they teach. According to HSTA, there are currently 5,000 substitute teachers in Hawaii, of which 1,000 work each day; however, the same 1,000 do not work each day. Of the 5,000 substitute teachers, approximately 940 are retired teachers who receive retirement and health benefits. The remaining 4,060 teachers receive no health benefits.

"Likewise many community college instructors so not receive health coverage. Which entity is evading paying health insurance premiums for its employees?"

"Thank you for allowing me to speak in opposition to SB 1772 SD1 HD2, a bill that would create mass confusion and more work than necessary."

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. 1772, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Fox, Marumoto, Meyer, Moses and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1573) recommending that S.B. No. 294, SD 3, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 294, SD 3, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I have my reservations on Stand. Com. 1573. I believe that every time we raise the minimum wage, we cut out the teenagers who badly need employment in this State. And if we get them employed, we will help cut down on those petty crimes that they commit, like graffiti and shoplifting and the like.

"Also the small businesses. The big businesses will always survive, but the 50 cents or 75 cents might make the difference for them surviving. And also, if we raise the minimum wage, everybody else raises their wages so we all end up at 'ground zero' after all these initiatives that we do. 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 previous speaker to be inserted as if they were my own.

"You know, this government intervention in the market is costly. It's not market driven. It's the top down kind of thing that is not user-friendly to the business climate. Only 6% of Hawaii's workforce makes the minimum wage, and 50% of those people are in the restaurant business so they in fact, don't take home just the minimum wage. They make somewhere in the neighborhood of \$24 an hour. And as the previous speaker said, teenagers make up a large percent of that other 3% that this bill proposes to help with a living wage.

"The 65% of all minimum wage earners in Hawaii receive pay raises within a year of being employed. The minimum wage is simply an entry-level pay and it's set at the minimum because these people have no recognizable skills, they have not

been in the workforce before, they require special training. So employers are taking a chance when they bring somebody in with no track record. And I'm sure you can understand that, Mr. Speaker, since you are a business person.

"One of the glaring problems in this bill, while others that we have heard during this Session have gone up as high as \$8.00. This one is capped at \$7.25. It will raise the minimum wage from \$6.25 to \$7.25 over a 2-year period. We did have one that went up to \$8.00. I don't agree with the government setting the minimum wage but on the other hand, we have had lots of testimony by the restaurant industry as to the minimum amount of our present tip credit which is \$25.00. Whereas in about 37 states across the nation, the tip credit is more like \$3.00 to compensate for the fact that wait help, their major income is coming from tips. The more people spend on a meal, the higher the tips and so of course it varies from restaurant to restaurant.

"The idea of giving a tip credit, which actually is an amount that is subtracted from the minimum wage in many states, it's about \$3; I think for about 34 states, the tip credit is \$3. So at \$7.25, if we had a \$3 tip credit, that would come down to \$4.25 and then of course they take home all their tips. So they're still going to be making much more than the people at the back of the house. But no matter how much the restaurant people try to educate the legislators in Committee, nobody seems to have any concern about that.

"When you raise the minimum wage, it's not just a dollar on the minimum wage because employers are mandated to provide insurance for their employees; workers' comp insurance, unemployment insurance, in Hawaii we have the prepaid healthcare benefits and social security. So those amount to about \$2.33 an hour. And so you add that to the \$7.25, and I can't find my paper. But it's \$2.33 added to \$7.25. So, we're almost up to \$10 an hour. So, I'm hoping that in Conference the Chairman will take heed about the tip credit.

"There is a concern that my colleague from Ewa Beach brought up that it's not just the dollar. It's the ripple effect. Everybody will expect more money. This is inflationary. Everybody will pay more for everything and I don't think that we need this. The last inflation minimum wage raise we had was in 2003 and right now we have one of the lowest unemployment rates in the nation and this is not the time to raise the minimum wage. 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."

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

"Thank you, Mr. Speaker, in strong support. The work group did a study several years ago and they showed that actually living in Hawaii, you need to make close to \$13.00 an hour for a living wage. So this barely meets the needs for our poorest working people.

"The fact is even with this increase, people will still be living below the poverty line. When you consider things like housing, health care, childcare, pre-school and food, people are sacrificing these things. That's why even with this robust economy we have more people who are homeless, more people going without food. And I think people have to realize that many of these people are working two or three jobs, minimum wage jobs, and they don't get the health benefits.

"And so if nothing else, we as a Body need to show our compassion, and our support, and our concern, for those who choose to work, choose the dignity of work, but need to have

that standard raised. So I urge everyone to support this measure. Thank you."

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

"Thank you, Mr. Speaker, I rise in support. This is a bill about making sure that our people have the means to live a minimum, or even decent life and to provide for their family.

"There was an interesting discussion in the Finance Committee about this bill. I was going in a Q&A session with some of the business owners. We were discussing the philosophy of the marketplace, and that a business is designed to provide a good or a service to the consumer at the best possible value, which is essentially the lowest cost. We as consumers are going to buy what is in our best interest, which is the best value and at the lowest cost.

"Where we ended up in the discussion is, who then makes sure that the employee, who works for the employer providing at the lowest cost, the good or the service, is being protected. And that in this economic model of business, consumer, the free marketplace, we are here today to ensure that in that model, the worker doesn't get lost. And I ask my colleagues to support this bill."

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

"Mr. Speaker, very strong support for this measure. Mr. Speaker, over the past couple of months we had many Letters to the Editor regarding the minimum wage increase. And many of these authors cite the fact that somehow increasing the minimum wage is going to drive business out of business. This argument is not new, it's not original, and there are very few credible studies that anyone can point to that would support this kind of argument.

"In fact, Mr. Speaker, for every flawed study regarding an increase in minimum wage having a negative impact on business, there are any number of studies that have proven that an increase in the minimum wage benefits society as a whole. And that's what we're trying to do here today.

"Let's talk about it for a minute, Mr. Speaker, about what the minimum wage does and what critics say that this legislation will accomplish. They argue somehow, and we heard it this morning on the Floor, that it's going to mean jobs will be lost, prices will go up, and businesses will go out of business. That's what we heard from the opponents.

"Mr. Speaker, in 1957, when the Representative from Laie was graduating from Punahou and the population of our State was 550,000, the minimum wage was eighty cents per hour, Mr. Speaker. In 1958, one year later, the minimum wage was increased to \$1 for the first time. And you know what, Mr. Speaker, the economy did not crumble. In fact the State embarked on twenty years of prosperity and rapid growth after Statehood, the likes we have never seen.

"In 1961, Mr. Speaker, when our Minority Leader was graduating from Punahou and preparing to leave for an Ivy League college at Princeton, the population had grown to approximately 663,000, Mr. Speaker. The minimum wage was still at \$1 at that time. But the very next year ..."

Representative Fox rose, stating:

"Point of personal privilege. I went from Punahou to the University of Redlands in Southern California."

Speaker Say: "Your point is well taken and the speaker from Manoa stands corrected."

Representative Caldwell: "I stand corrected."

Representative Thielen rose, stating:

"Mr. Speaker, a point of information. It would appear to me that he is trying to focus on individual members. He might be forthcoming with his schools and his law school name as well, rather than just giving ours, pointing his finger over here."

The Chair responded, stating:

"Your point is well taken, but at this time, let the speaker continue on with his comments. Representative Caldwell, please continued."

Representative Caldwell: "Thank you very much, Mr. Speaker. And I do stand corrected, I apologize. It was Graduate School at Princeton. I do apologize."

Representative Thielen: "Mr. Speaker, again a point of information. Which law school did the speaker attend? And which undergraduate college and which high school?"

Speaker Say: "Representative Thielen, that is not in order, at this point. You are asking for a question. Please proceed, Representative Caldwell."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. The point is Mr. Speaker, for every year that we've increased the minimum wage, we've heard arguments from opponents that argue that doing so is going to have a negative impact on business; it's going to drive business out of business. And every year since 1930, when our first minimum wage went into effect in our Territory, we've instead seen continued growth, increases in the work force and prosperity in our Territory and in our State.

"Those are the facts, those are the simple facts, Mr. Speaker. There has never been an economic collapse. Despite these fears, the State has continued to grow and prosper. And therefore the notion that raising the minimum wage will somehow irreparably damage the economy or the State is false.

"Mr. Speaker, organized labor has supported this bill and people have pointed that out somehow saying they're doing so because it benefits them. But this is not the truth, Mr. Speaker. They're doing so because it's the right thing to do for our working poor, our young workers entering the workforce, our seniors who are forced to take jobs to deal with the escalating cost of welfare and coping with the Medicare system that is failing them, Mr. Speaker.

"Mr. Speaker, it's interesting to point out that Henry Ford, the founder of Ford Motor Company and the father of the assembly line process stated in 1914, 'There is one rule for the industrialist and that is: Make the best quality of goods possible, at the lowest cost possible, paying the highest wages possible.'

"In 1914, Mr. Speaker, Henry Ford did just that. He set a \$5 minimum wage scheme that he implemented voluntarily, the first in the nation. It came at a time, Mr. Speaker, when the average wage in the auto industry was \$2.34 for a nine-hour shift. Ford not only doubled that but he also shaved an hour off the workday and established the first eight-hour workday that we all live by today.

"This all happened before government mandated minimum wages. A model of corporate social responsibility coming from Henry Ford, of all people, one of the true industrialists of our nation. Instead of being praised, Mr. Ford was scorned by the business world for doing this. And *The Wall Street Journal*, that some of us still read till this day, called it an economic crime, believe it or not, for what he did.

"But Henry Ford got the last laugh, Mr. Speaker. The critics were shortsighted and were unable to see that in lowering his cost per car, the higher wages didn't matter. Except by paying people more money and setting the standard in our nation, it provided people more ability to purchase his cars."

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

Representative Caldwell continued, stating:

"Thank you very much, Representative. Perhaps, Mr. Speaker, Henry Ford understood a theory that has come to be known as the Labor Theory of Value. And that theory basically says that paying employees a livable wage will improve morale, it will increase productivity, it will inspire pride in ownership in employees.

"You know, Mr. Speaker, John Locke, who the founders of our country look to when they were writing the Constitution, mentioned that in the workplace all the worker really has to bring to the workplace is his or her labor. That's what they bring. And Mr. Speaker, this labor has incredible value. It's not just what business brings, it's what labor brings. It's through their hard work. Through their increased productivity that our country has seen over the past 200 years. Due to the fact that we are trying to pay workers a fair wage for their hard work has fueled economic growth from the founding of our country.

"Now Mr. Speaker we heard discussion today about restaurants and in fact the Labor Committee did increase the tip credit to \$1. But I'd like to point out, Mr. Speaker, that I for one, worked in restaurants as a young adult during my summers in Kona, both at the Kona Surf and Huggo's, which is still around till this day and a great place to have a beer. But Mr. Speaker, the waiters, the wait staff, busboys, busgirls, they are the ones who bring value to the restaurant because without their hard work in which they are compensated with a tip, depending on how hard they work, they ensure that customers return to that restaurant.

"We all go to restaurants with good service. So again, this is not just management providing a product. These are people that work, day in and day out, hard for a tip and for a minimum wage. And if we today were to walk over to Like Like Drive Inn, we'd see some of those ladies, who have been working there for twenty and thirty years at a minimum wage and for these tips. And these women go home at night to families, to support their families and they should be recognized for this hard work. And I think that the tips that they get just help to ensure that these restaurants are successful.

"Mr. Speaker, it's unfortunate we don't have data on a statewide level as to what the minimum wage is going to do. We've heard talk about entry-level employees who are eighteen years of age and how that will impact. And the only thing you can really do is look at the impact on a nationwide level, and I think in some ways our State does follow the nation except in one particular way and it's one that Steve Case, the founder of America Online, pointed out not to long ago in *Hawaii Business*, and that is, Hawaii is a place with Manhattan real estate prices but with Midwest salaries. It's very difficult for

people in our State to make ends meet, to purchase a home or even pay rent.

"But we do compare ourselves with the national figures and if we were to raise the minimum wage nationally right now, it would impact about 10 million Americans. Not a lot, so it's true that the minimum wage does not impact everyone but let's look at who it does impact. 71% of those beneficiaries of a minimum wage increase are adults, not 18 year-olds. 71% of them, Mr. Speaker. 58% of them are women who are the breadwinners for their families. 46% of them work full-time on a minimum wage. The average minimum wage worker brings home over half of his or her family's income, Mr. Speaker, nationwide.

"Many of the people who work at our movie theaters, who sell you your ticket or take your ticket when you walk in the door are minimum wage workers. They're not all young kids. Many are middle-aged people who have worked for Consolidated and other theaters for 15, 20 and 30 years. These are the type of people we are impacting.

"Mr. Speaker, one of the last great Keynesian economist, John Kenneth Galbraith, said it best in his speech in 1998, 'Who is hurt then by a rise in the minimum wage? I'm enough of an economist to believe that people are rational and that therefore workers are rational when they favor a rise in the minimum wage. And that certain employers are rational enough when they oppose it.' And we can understand why they would.

"But Mr. Speaker, business is not inherently bad. In fact businesses are run by people and I believe that people are inherently good and they want to do the best for themselves, for their workers and for our society.

"But when the debate this Session in part has been about how to help those on the very bottom of the economic ladder. And we heard the Governor talk about it, and we've heard various proposals move through this Body.

"Perhaps the best approach is to pay a fair wage for hard work, Mr. Speaker. There's nothing more empowering to a worker than to recognize a worker for the value that he or she brings to the workplace. No matter what the job entails. No matter how menial it may appear to some of us. Recognizing the value they bring is critical.

"Mr. Speaker, this is what this bill does. It's the best of policies. And I hope that maybe some of the Members who spoke out or are with reservations on this bill will change their opinion and support an increase in the minimum wage. Thank you very much, Mr. Speaker.

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

"Thank you, Mr. Speaker. The previous speaker almost turned me into opposition, but I rise in reluctant support of this measure. Mr. Speaker, my major concerns remain, there's no tip credit. Again, the wait staff in the front of the house earn about \$25 an hour. Contrary to everything the previous speaker said, prices will go up, we pay the prices, we know that. A Big Mac, Mr. Speaker used to cost under a quarter. I remember those days. Now how much is it? The '36 Dodge that I still own, I was not the original owner, used to cost just over \$700. This was a deluxe model with the side wheels, all the chrome, fanciest thing in the world, just over \$700. Go out and buy a fancy Dodge now and see how much it costs. That's what happens. Costs go up.

"As cost continue to go up, the businesses can't afford to keep paying more and more and more without raising the prices for

us. So what you're doing is you're putting another tax on the people. That's exactly what it is. And I would say a better way to help the poor workers is to allow them to get at least part-time jobs. If we don't want them to do that, then what are we going to do? We're putting them out on the beach and we're going to pay for their assistance.

"But while these folks are receiving assistance, Mr. Speaker, we should pass some of the Administration's bills and allow them to work at least part-time without being penalized, without losing all the assistance that the State gives them. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I too come from a labor family who once worked on a plantation very many years ago. With reservations still, but even stronger reservations, thanks to the speaker from Manoa.

"We talked about the right thing. I believe that I've been taught the right thing in terms of hard work and honesty and giving back to the community and helping those that are less fortunate than ourselves. But I do not believe, Mr. Speaker, it's the right thing to give a pay raise to someone that works in the restaurant industry that makes up to \$40 an hour. I do not believe it's the right thing to give a pay raise to the son of a wealthy businessman who is 18 year-old and does qualify in that percentage of the 71% who are adults making minimum wage. I do not believe that is the right thing. I do believe that it is the right thing to focus on those adults who have families who make minimum wage, and focus on helping get them to get higher paying jobs.

"We have the lowest unemployment rate in our history, at least since I've been alive. And I think it should be our job to help those people to compete because they can. There has been testimony in Finance and other committees that says that they are looking for these workers. They want to pay higher wages because they have to, Mr. Speaker, because the competition is so stiff for businesses to find workers. So why would we risk damaging our economy by making everything more expensive, by rewarding people that truly don't need the pay raise by increasing the minimum wage.

"And I also believe that the best way to do this is to raise the standard deduction because that will really focus on those people that really need the help. And I just want to remind the speaker from Manoa that this is 2005, not 1950. Thank you."

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

"Thank you, Mr. Speaker, with reservations. Most of the speakers have talked about the lack of the tip credit, the lack of increasing it and I share their concerns. It's a major flaw in this measure that we need to increase it for our small businesses, especially our restaurateurs. I think I heard the Labor Chair refer to the fact that as for the tip credit, that he raised it to a dollar but I do not think it's in this present bill before us, Senate Bill 294. In fact, when I did pass through his Committee I believe he took the 75 cent tip credit put in by the Senate and reduced it to a its current level; what I consider a measly 25 cents. I think this should be corrected in Conference Committee.

"Another feature of the Senate Bill that I thought was very helpful was the lowering of the taxable wage base for unemployment insurance to the first \$7,000 of a person's payroll. We've all collected unemployment insurance and, you know, where does that money come from? It comes from a tax

paid by employers into the Unemployment Insurance Fund so when we're out of a job we can draw from it. That's the only way we can draw down on that money. And sometimes that Fund goes up to \$200 to \$300 million. When now, with our unemployment rate so low at 3% here in Hawaii, with so many people working with high paying jobs in the construction industry, the amount of this Unemployment Insurance Fund is just going to just skyrocket and we cannot really use that money. This is money that's soaked out of our economy. It's not put to work at all.

"So I think that we should definitely keep the Senate provision of this measure to lower the taxable wage based to the first \$7,000. I think previously it was over \$30,000. This is really important this will really help small business folks. Please help the conferees consider this provision. Thank you."

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

"Thank you, Speaker, in support. You know, I don't have data, I don't have a study, what I do have is experience and I'd like to share that experience with you. I worked for minimum wage working at the pineapple cannery for two summers. And my second summer was after high school before college. And my best friend, Keoki Rodrigues who was a cook, got me a job as a dishwasher at a restaurant making minimum wage. I worked my way up to busboy, and then waiter.

"At each of those jobs my employer made sure that I worked under 20 hours a week so that I couldn't get medical or dental benefits. I was living on my own putting myself through school. I didn't have money to go to the dentist when my filling fell out of my mouth. And then another filling fell out of my mouth. Finally, I couldn't stand the pain anymore. I sucked it up and went to the free dentist at the Lanakila Health Center, where the dentist started to extract three teeth from my mouth. And the experience still bites because I can remember the dentist putting his foot on my shoulder to extract the teeth and I thought, 'Eh, that tooth must still be okay if it takes that much effort to pull that tooth out of my mouth.'

"But, you know, my employer didn't allow me to work more than 20 hours so I didn't have dental insurance. Had I made more than minimum wage or had minimum wage been a little bit higher, perhaps I could've afforded to go to the dentist. That's just my experience. But I'm thinking about all the other people out there working like I did trying to make ends meet on minimum wage. It just doesn't work. Thank you."

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

"Thank you, Speaker. I speak in support of the bill with reservations. Since my biography came under discussion, I would like to point out that at the University of Redlands, I was President of the Young Democrats.

"There was some questionable economics brought up by the speaker from Manoa. He seemed to be suggesting that raising the minimum wage brings on prosperity. However, if we follow that logic we would raise the minimum wage, we'd double it, or we'd triple it, we'd really take it up to the stratosphere, because then, our economy would really be booming.

"Well Mr. Speaker, we know very well that the United States and Hawaii face a serious problem in the global economy today because high wages in the United States are taking jobs out of the United States to other parts of the world. And I would suggest that the Representative from Manoa is employing selective memory on this subject. He has to be aware of this

fact; that in the world economy today, the level of wages determine whether or not people get hired. That's the way economics works and we face a tough problem in the United States.

"We've just gone through the first recovery from a recession where job growth is seriously trailed the rise of the rest of the economy. Mr. Speaker, I would posit that the main job of a corporation in the United States today is to reduce employment. That is what they tell their shareholders, 'We're going to result in higher profits per share by reducing the number of people who work for the company.' So it's a really tough world outside this building of guaranteed government wages.

"When you get out into the private sector it's a tough, tough world. And when an employer faces the prospect of being forced to raise wages or give them another choice of hiring another employee, you know, those kinds of considerations often result in people not being hired.

"And finally, I want to express clearly why I wonder about this bill. And that is the fact that 50% of people that are going to be helped by this bill and several people that mentioned this are people who are waiters making and average of \$24 an hour. This bill, 50% of it is talking about raising the wages of people who make \$24 an hour. I think we can do a smarter job with this bill than we've done so far. 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:

"The amendments made to the bill should include an increase in the tip credit and the temporary tax relief to Hawaii's employers. While it is important to maintain a healthy unemployment insurance trust fund, this bill is intended to ensure tax savings are realized by Hawaii's employers over the next three years, to help stimulate small – business growth and provide immediate economic prosperity."

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

"Thank you very much, Mr. Speaker, in support. I'd like the comments from the Representative from Manoa be entered into the Journal as if they were my own, with the exception of the shameless plug for that restaurant that he used to work for, by the way.

"I also worked as a wait help for a number of years, Mr. Speaker. Thankfully it was not minimum wage because I worked in hotels that were recognized by the union or the hotels realized they had to pay to the equivalent of what the union scale was, otherwise they could not retain their workers.

"I'd like to respond to two points made by previous speakers. One, on the concern of government intervention into the marketplace. Mr. Speaker, I'm proud of government intervention into the marketplace. If there were no government intervention we'd still have child labor, we wouldn't have unemployment insurance, TDI or worker's compensation, maternity leave. We wouldn't have health and safety laws. These were all dictated and mandated by government and I think that is a proper role for government to play.

"Frankly, Mr. Speaker, this is not even a raise. This is not even keeping up with inflation. As you know, the history of minimum wage was that it was suppose to be half the average manufacturer wage in the country. If that were true today, the minimum wage would be over \$10 and hour. It's a small

increase. We're not even talking about a living wage. We all realize what that takes to live in this State.

"And we talk about corporate responsibility and the role that corporations play, Mr. Speaker. We're not talking about executive salaries. We ought to take a look at that. There is no maximum wage in this country; it's unlimited. We're really talking about a small increase in the minimum wage.

"Secondly, about restaurant workers. You know, over the course of debate this morning, most speakers said it was \$24 an hour. Another said \$25 an hour. Another said it was upwards of \$40 an hour. And another speaker said it was an average of \$24 an hour. You know, Mr. Speaker, just taking that lower number of \$24 an hour. That's roughly \$150 an hour a night in tips. My mother-in-law just recently retired from Like Like Drive Inn. I can assure you she did not take home \$150 a night in tips. There's just no way. Maybe if you're talking about the high-end restaurants it may be possible. But if you're talking about the 'mom and pop' restaurants where the bulk of minimum wage workers work, they are certainly not making \$150 a night in tips. And I challenge anyone to counter that.

"Lastly, Mr. Speaker, we really are talking about, as the speaker previously, the Representative from Manoa, talked about. This is really the right thing to do. Whether we say that the last minimum wage increase was in 2003, and maybe this is not the time. In my mind again, it's long overdue and I think it's time we do it, and we should do it today. Thank you very much, 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 opposition to S.B. 294, S.D. 3, H.D. 1, Relating to Employment. My opposition focuses mainly on the tip credit. I would have reluctantly passed this bill if there was a larger tip credit. My philosophy overall on minimum wages is that employees and employers are fundamentally connected in a mutually beneficial system. Without employees, a business cannot function. Similarly, people cannot work with businesses to employ them. This cycle of interdependence underscores the need to treat both parties equitably and strike the right balance between protecting the interests of both parties, though they may at times seem to diverge.

"Raising the minimum wage to make Hawaii's minimum wage the second highest in the nation poses a significant adverse cost to businesses. By increasing the burdens on business, we create a disincentive to hire people. Balancing these additional employment costs poses the dilemma of going out of business for some. In both of these scenarios, the employee loses. Either way, an employee is denied the ability to work. The minimum wage is merely the minimum standard by which employers must compensate their workers. Many employers exceed the minimum wage.

"I would like nothing more than to increase the quality of life for the hardworking people of Hawaii, but to try to do so by increasing the minimum wage is counterproductive. For short-term gains, such as measures risk long-term losses of employment and businesses, ultimately worsening our quality of life and reducing the affordability of our State. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker. I speak very strongly for this measure. And since we're confessing to some of our past sins, I, Mr. Speaker, want to mention that years ago I was the treasure for then Governor Bill Quinn at that time. Since then, of course, I've seen the light and I've become a Democrat. But like the previous speaker, I think it's good to bare your soul, sometimes, to let the Members know what you were.

"But, Mr. Speaker, I come from a plantation family, very poor worked very hard; very low wages. I remember in the 50s when they went on strike for better wages. People went months without any salaries because private industry, which was supposed to take care of its people, did not. I remember going to the food canteen to pick up rice and cabbage for dinner for the family. I remember my grandfather retiring with a pension of \$12 a month. And he's just staring at the world saying, 'What happened to me after all these years?' And he was a tradesman; he was a bricklayer. This is what he got.

"And so, Mr. Speaker, I remember the Industrial Revolution. I remember reading about young people working 14 to 16 hours a day with no respite at all. I remember the environment being clouded and people dying in the mines. All this changed because of government intervention, as the previous speaker stated. We have child labor laws. Unions organized to provide fair wages. The New Deal came about to make sure that Americans would have free access to health, education, etc. And all this is through government intervention.

"Certainly, it should not be in an irresponsible manner, but good government should always look to care for its own. And raising the minimum wage is one way of doing it. Albeit a very minor raise. I don't think it's going to resolve any major problems, but it's a method. And we must continue to look at this. We need to be vigilant to take care of our own. Thank you, Mr. Speaker."

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

"Mr. Speaker, I am now rising in opposition of this measure. After hearing all of the arguments, I must admit that this is not a win-win situation. But today, I have decided to side with the teenagers and the small businesses. The comment that was made on the Floor was that only a small portion of young people are employed under the minimum wage and that proves my point. The more we raise the minimum wage, the more we cut out these young people. It was mentioned that it is only 30%. The more we go down, it's probably, we're going to drop that down to 10%.

"We have also increased the charge to a Class C felony for teenagers that do graffiti. And I think that the more we keep them idle and out of the job market, the more they go to these type of problems. And we do need to solve this, Mr. Speaker."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker, still in support with strong, strong reservations. I wanted to respond to some of the comments made about corporations and some of the big companies that are the perpetrators of keeping labor low. I want to speak from the experience of my ancestors and I want to speak from the experience of my district.

"The calls I have been receiving on the minimum wage increase have been from Kalihi, Liliha, from small 'mom and pop' stores that sell perhaps, Hello Kitty to young children, their little toys that and the things that children enjoy and they're saying, 'We cannot handle this increase in the minimum wage.' They're telling me that they want to hire people, but

they can't. They're barely making it on the margin that we have now. So this really threatens us.

"Secondly, I want to, since people are talking about backgrounds. My grandparents were small business people. They worked very hard. They didn't speak English; they spoke Chinese, Cantonese. And I think there's a number of people that fit that profile still today. They don't speak English that well because they're new to our country, but they want to make a better life here in our State, and so they choose to open up a small business. But when we put an added burden on our small business people, like the people from my district, Liliha and Kalihi, what we do is often make it more difficult for them to enjoy what we might perceive as the middle-class lifestyle that many, many of us as descendants of immigrants now enjoy, and get to go to private schools and get to go to nice trips to Disneyland.

"They want to have a meaningful living. And so what they do is they often can't afford the minimum wage. They have their children work and they work hard. You know, and sometimes they have to stay up to 2:00 to 3:00 a.m. in the morning for the kids to even finish their homework because they're helping mom and dad out in the 'mom and pop' store. So when we're talking about this vision, I understand. I too took history. But this is 2005 and the reality is, at helping our small 'mom and pop's' help us to get our people to be self-sufficient. I still take exception.

"I would like at this point to ask that the remarks from the Representative of Kahala be incorporated as my own regarding wages and certain aspects of the bill.

"I have also talked to the businesses regarding waiters and waitresses and they tell me about the tip credit and how important it is. And I've talked to a few people that wanted to hire people. And you know what they told me? They said, Mr. Speaker, it's so difficult to get young competent people to work in a business setting, or an office or a small business. Why? A number of the young people would never touch that because they can make so much in the restaurant business. Some of them in the restaurant business as servers make way more than they could as a manager. And I think that point needs to be examined because if we cannot start to build our people and train them in a diversified economy to get into other parts of our economy it portends a danger.

"So I just wanted to clarify a few things from my experience. Small business is not the guys that we're talking about in 1950. Small businesses are my people. They're my people from sometimes immigrant backgrounds. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I am still in opposition to this measure. Just wanted to point out that if we pass this bill and raise minimum wage from \$6.25 to \$7.25, only the State of Washington will have a higher minimum wage at \$7.35. So, we'll be number two across the nation.

"Since many of us have gone back into ancient history. I too, worked for the pineapple cannery for two summers for minimum wage, but I lived at home. I learned about repetitious, boring, hard labor and got a lot of pineapple rash on my lower arms. But it was an interesting experience. I worked when I went to college because my mother didn't have very much money and I wanted to go the mainland. I went to a junior college that had a reciprocity set up so that I didn't have to pay out-of-state tuition. But I worked in the cafeteria so that I could get lunch and wouldn't have to buy it.

"When my children were young I worked at various part-time jobs. I worked for an answering service for minimum wage. At no time did I ever grouse or feel like I should be getting paid more. I mean, I was working to make a little extra money. I enjoyed the work. I learned from every job I had. When I came back from college I worked for a dentist; two dentists, in fact, in Waikiki. And I chair-side assisted at many extractions. I feel very sorry from the Representative from Waimanalo because never in my life, in training or in a dental office, did I ever see a dentist get anywhere near to putting a foot on somebody's shoulder. And we even did surgery on Mr. Kaiser's dog. And that dog didn't have a foot put on him. Thank you."

At this time, the Chair stated:

"Representative Yamane. This will be the last discussion for this measure."

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

"Thank you, Mr. Speaker, in strong support. I wasn't going to speak but I've been compelled by the comments made today on the floor. I would like to express the issues of some of the people using the words, 'economy', or 'economics'. So here's a quote, from *Essential Economics* that's printed by *The Economists*. It says:

Several empirical studies have suggested that a minimum wage moderately above the fair market wage would not harm employment much and could, in the worst circumstances, could raise it.

"We need to stop looking at it as only how much of it affects the cost of paying our labor, Mr. Speaker. There's additional issues that this will help improve the base of our social, as well as our economic and financial situation. Let me remind the Members that the GDP is private consumption, plus investment, plus public spending, plus the change in inventory, plus exports, minus imports, Mr. Speaker.

"Increasing the minimum wage will directly impact our GDP. Looking at labor is only a minute narrow focus. With the increase of disposable income in the hands of our people, we will then stimulate the business and the economic situation of this State. Thank you, Mr. Speaker."

The Chair then stated:

"Members, can I call for the question at this point? We've had a lot of discussion, which is about 35 minutes."

At 9:43 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 9:44 o'clock p.m.

At this time, the Chair stated:

"Members, at this time we are on page 3 and we've had a lovely discussion on the last measure on that page. If there is no further discussion, the Chair recognizes Representatives Blake Oshiro and Meyer for the vote."

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 Third Reading by a vote of 49 yeas to 2 noes, with Representatives Cabanilla and Meyer voting no.

At 9:46 o'clock a.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 669, SD 2, HD 1; 117, HD 2; 1221, SD 2, HD 1; 433, SD 2, HD 1; 1778, SD 2, HD 1; 1772, SD 1, HD 2; and 294, SD 3, HD 1, passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1574) recommending that S.B. No. 1193, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1193, SD 1, 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. Mr. Speaker, it was my pleasure as a member of the Labor and Finance Committees to watch Director Watanabe testify against this bill four times in various versions. Mr. Speaker, I am not a fan of Act 51, which passed the Legislature last year. But one small reform that it did accomplish was that it gathered together the various departments that work on education and put the functions directly under the Department on Education. That to me seemed like a step forward. It seems that every reform that we adopt in Hawaii, we come back the next year and start pulling away at it, no matter how little the reform is, and this bill is an example of that.

"To me it's quite clear that if you're an employee of DAGS and you get moved to the Department of Education, you become part of the system that is run by the Department of Education. And you probably are going to give up something that you enjoyed as an employee of DAGS; the right to be a part of DHRD and the civil service system that DHRD had.

"Soon to be judge, Director Watanabe, has worked very hard and very diligently to make sure that the civil service system that's set up within DOE has every bit of the rights and privileges that the DHRD civil service system has. And they developed such a system that now, people who are being moved into DOE are whining about one aspect of the system that they are going to lose. They're not going to bid on all those other jobs that are still in the DHRD system.

"Mr. Speaker, you move to DOE; you moved to DOE. That's that. This bill should be defeated."

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

"Thank you, Mr. Speaker, in opposition. And my main point is basically the fairness to the other areas that will not have this ability to go back and forth. Thank you."

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

"Thank you, Mr. Speaker, in opposition. As the Minority Leader has already expressed, this is contrary to Act 51. I think it's shameful that we go back and go contrary to everything we do the previous year. Sometimes we have to tweak them but this isn't a tweak.

"You know, if this Senate bill is passed, Mr. Speaker, civil service members in the DOE will have rights not afforded to any other Executive branch employees. It's going to give the DOE employees special privileges that other State workers do

not have. I think it's a very, very dangerous precedent, Mr. Speaker. Thank you."

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

"Thank you, in opposition, and my reasons are similar to the previous speaker."

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

"Mr. Speaker, in support. First of all, I have talked to several of the employees at DAGS that are moving over to DOE. They are not whining. They are raising concerns about this. Whether or not this sets a bad or good precedent, frankly, it does set a precedent, but I think this is something that we should look in to.

"For example, Mr. Speaker, you take a stenographer or clerk typist that works at the Judiciary and there's an opening in the Department of Transportation for a Stenographer IV, and this person is a Stenographer III. This person cannot apply for that job, only until all stenographers in the Department of Transportation or the rest of the Executive offices have had a chance to apply.

"Mr. Speaker, a stenographer works for the State government whether you work for the Judiciary, the DOE, the DOT, DLIR, DLNR, whatever the case may be, in my opinion, is offering themselves up for public service. They should they are given the opportunity to apply for promotions within the system. By 'balkanizing' the system that we had historically, you are precluding these workers from applying for promotions that they are well-qualified to do.

"I think it's high-time we take a long hard look at all these different positions in State government and say, that if you are willing to offer yourself for public service; if you are qualified; if you are committed, dedicated and hard-working, and you want to get a promotion, by all means you should be able to apply across the system and not let artificial barriers ban that person. Thank you very much."

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

"Mr. Speaker, I have brief comments in support. This legislation is all about change, Mr. Speaker. Last year we worked long and hard to bring about true change in our educational system under Act 51. And this bill is the next step to help implement that change.

"As we heard last year, when the Superintendent Pat Hamamoto spoke in the Joint Session before the House and the Senate, she said something I think rings today that I think we should take heed of. And she stated that comprehensive reform, quote, "Will require new thinking. It will require courage and the willingness to take risks and it will require structural change in the entire government system in Hawaii. Not just the Department of Education but in the State of Hawaii and its government."

"Mr. Speaker, we have got to stand up and help our Superintendent implement the change that we mandated her to do under Act 51; and this is one of those steps. Thank you very much, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker, in opposition still. This is my second time. You know, I think that the Representative from

Pearl City makes a really good point and therefore we should have a situation where we take into consideration doing this all over. This shouldn't only be for the DOE. If you do want to do this, the discussion should be: Should we be doing that for all? Thank you."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. Yes, absolutely, under these circumstances, anybody in the DHRD system gets to apply for a DOE job. 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. 1193, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1575) recommending that S.B. No. 1137, 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. 1137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1576) recommending that S.B. No. 639, 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. 639, SD 2, 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. 1577) recommending that S.B. No. 1643, 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. 1643, SD 2, 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 in support with one major concern. This has to do with Charter Schools. And it precludes anybody else being a chartering authority. The chartering authority is going to remain with the Board of Education. I think that we should at least expand it to the University of Hawaii. I believe it should be expanded to other facets of our State also; industry, financial institutions, etc., but it remains only DOE.

"I'm not so sure that DOE has a vested interest in chartering Charter Schools. It seems to be almost contrary. That their intent is to show that they're doing the right thing in the normal public schools. Why do they want a Charter School out there doing so well when they're having so many problems? It's not in their best interest, I don't believe. Thank you."

Representative Finnegan rose to disclose a possible conflict of interest, stating:

"Can I get a ruling on a potential conflict, Mr. Speaker? Both my children go to a Charter School," and the Chair ruled, "no conflict."

Representative Finnegan continued, in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, I just wanted to take this opportunity to voice my appreciation for the Chairs of both the Education and Finance Committees for taking a look at the Charter School issues. Although there are some things that I wish were in the bill because I am a staunch supporter of Charter Schools. I think we're nudging ahead to make some significant or eventually, hopefully make some significant change in Charter School law, especially with the supporting of funding for Charter Schools. I did want to thank them. I hope that we can get towards the other issues that will make it advantageous for Charter Schools instead of having a disadvantage for Charter Schools at this point in time. 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. 1643, SD 2, HD 2, 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. 1578) recommending that S.B. No. 1814, 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. 1814, SD 2, 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 with some reservations. I'll be voting for the measure but I do have some reservations. This bill authorizes the Department of Education to assess and collect impact fees from developers. Testimony before one of the Committees that heard this bill indicated the matter of impact fees has repeatedly been raised in the context of efforts to build more affordable housing in Hawaii.

"Over 10 years ago, a study conducted by the Comparative Law Institute found that impact fees raised the price of a single-family home by \$54,000. Today that figure would be almost \$100,000. And then the testifier went on to say that is it any wonder that the starting price for homes in Hawaii is over \$330,000. And as we know now, Mr. Speaker, the median price is almost \$600,000.

"The bill as drafted is particularly harsh, in that it places the impact fee on the developer of any residential development rather than spreading the cost of building for our public education system across all taxpayers in the State. So, my concern is, that the bill itself is going to raise the cost of housing at a time when we are in such a crisis trying to provide affordable housing for people, and it doesn't spread the burden of public education across all the taxpayers as it should. Thank you."

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

Mr. Speaker, in opposition. I'd like to incorporate the remarks of the Representative from Kailua as if they were my own.

"I'd like to briefly add that the current system that we have in Hawaii is making it difficult to build housing. It does however, basically, take care of education. And usually what the developer does is set aside land for education so that schools can be built on essentially, free land. And if we move to a situation in which the Department of Education is positioned by law to enter into negotiations about impact fees, it can only have one result; one practical result, and that will be to slow down the construction of housing even more at a time when this island and this State desperately need housing. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. Thank you, Mr. Speaker. I believe this will impact the cost of developing housing. We heard from the Department of Planning and Permitting that they suggest impact fees must be leveled fairly and equally across the boards; in other words, to all housing projects of the same number and types of houses. Probably based on number, I'd think. So therefore, the affordable housing projects will have to pay the same fee that other developers pay and this is going to mean less affordable housing.

"They also commented that Chapter 46, Hawaii Revised Statutes would create confusion because you're placing a State agency in a chapter that's dealing with the counties and it's unnecessary because right now the State can do this and has done it in other cases.

"But more so, my concern is this, Mr. Speaker. We passed a bill just recently to set up a fund where the State could receive monies levied by the county on housing projects. That money was levied on these developers for road construction, especially in the fastest growing area of our State. That money was then set aside to build a North-South Road, which is under progress right now. I believe that this will take money from that project and others.

"As the previous speaker mentioned, developers now provide land for a school or the county could say, 'We don't want the land we want money.' They can do that now. But, now we're going to have the DOE set up as, I guess, a taxing authority. And they're going to collect these fees and so there will be less money available for roads.

"Mr. Speaker, we all realize that education is very important and we need to build schools, but we also need to have roads for our citizens.

"There's also some legal confusion with the bill because there's two definitions for the word 'Board'. HRS 46-141 already defines the word to be the Board of Water Supply or the water board of any county. Under SB 1814, SD 2, HD 2, the word 'Board' is defined as the Board of Education. There is no acknowledgement in this bill that the meaning of 'Board' would be changed. So I think it needs to be clarified. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support with the briefest comments. The development community, of whom I appreciate, is making a fortune. They're making a fortune because Hawaii is sought after. And we need them to do their part. We want them here to build housing, obviously. But the most valuable housing is for the super rich. They continue to build that. Our poor don't get houses, and we still have these incredible needs. So we want to work with our development community.

"I hope that we can foster a better and better relationship. And if need to, I think we'll pass bills and I want to work with that community, but we need their help and I think this is a first step. Thank you, Speaker."

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

"Yes, thank you. Mr. Speaker, I am in opposition and I wanted to just express my concern over how this will increase the cost of housing for our people. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition. This bill will set up the DOE as the only agency in the State that has the authority to ask for these impact fees. And I don't think there's any question that this will cause an increase in the price of housing. The problem that the BOE and the DOE is looking at is how to get schools up on line in a timely manner when we need them. And as my colleague from Kapolei has said, that's one of the fastest growing areas. So, that area and Ewa is where the largest group of new youngsters that are going to be going to school. So it would appear that yes, the Board of Education and the Department of Education need to get into communication and conversations with the development community to find ways to build better schools faster, and at lower cost so that the schools are ready when needed.

"Focusing on building partnerships with the development community will not relieve the State, the Board or the DOE from their fundamental responsibilities, but may provide more immediate solutions to the problem than imposing impact fees. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition, and my main point for the opposition is that this will impact housing and the cost of housing. It doesn't matter what the developers make because whatever they do end up making, this is a pass through. It will end up on the cost of the house. We have to remember now that we are at a median price of homes at around \$600,000. At one point in time, that was considered rich. It's now the median price of 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. 1814, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Third Reading by a vote of 45 yeas to 6 noes, with Representatives Ching, Finnegan, Fox, Meyer, Moses and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1579) recommending that S.B. No. 667, 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. 667, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES," passed Third Reading by a vote of 51 yeas.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1580) recommending that S.B. No. 467, 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. 467, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

At 10:05 o'clock a.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 1193, SD 1, HD 1; 1137, SD 1, HD 1; 639, SD 2, HD 1; 1643, SD 2, HD 2; 1814, SD 2, HD 2; 667, SD 2, HD 2; and 467, SD 2, HD 2, passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1581) recommending that S.B. No. 55, 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. 55, SD 1, 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 rise in opposition to Senate Bill 55. This measure's current purpose differs from that of its original intent. It's my understanding that this bill was originally introduced for the purpose of requiring that businesses give lactating mothers some time during the work day to breast feed their babies, which I understand on a personal level. That would make a very reasonable law and I appreciate that very much. However, the bill now in its latest draft demands that all businesses be forced to provide meal breaks to employees even though the vast majority of businesses provides such breaks without any law requiring them to do so.

"So now, this measure's current form amounts to an attempt by government to micro-manage and to dictate over other people's businesses. It violates the rights of those business people to manage their own private property as they see fit. So consequently, I oppose this bill. 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. 55, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Evans, Finnegan, Fox, Meyer, Moses and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1582) recommending that S.B. No. 1194, 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. 1194, SD 1, 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 rising in opposition to 1582. This is the bill that provides for the election of the Board of Trustees administering the State's Deferred Compensation Plan. Presently, there are seven members on the Board. Three of them are public members. This bill would have five members that are public employees and they would all be elected.

"The concern here is that the cost of running these elections, it's figured at about \$130,000 over each election. Over a ten-year period, that would amount to a \$1.3 million, which is a lot of money; and that money coming directly out of the Deferred Compensation Fund.

"The Director of DHRD is the Chairman of that organization right now and she testified before the Labor Committee that the non-employee member oftentimes is one of the most important members on the commission because they will bring an expertise that is necessary and very valuable for the other members. She actually offered an alternative option if there is so much public demand for electing these members rather than having them appointed. And she offered that only two public employee members be elected. This would result in holding elections for two of our three public employee members and would minimize the cost for the participants.

"In comparison, the Board of Trustees of the State Employees' Retirement System currently has elected members. However, not all of their trustees are elected. Only four out of the eight members are elected. So, you know, this is sort of a compromise position. The elections would not be as frequent and you would still have some members elected. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. I think this is another 'handcuff' the Administration bill. And these elections do cost money and they're going to take the money right from the Plan itself. It's using up the money right from the Plan itself. It's using up the money that's supposed to be in the Deferred Compensation Plan.

"It also changes the make-up of the Board, as you heard earlier. But why are we doing that? The Board and DHRD believe that there is already adequate employee representation on the Board and they have the flexibility to have non-public employee representation; and that's invaluable to the Board.

"I believe that just holding elections, you know, have the public unions electing people, what you could have is people that have no financial background. They have no idea how to manage a fund, and it just there so that they can handcuff the Administration and anything they try to do."

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

"Just a brief comment in opposition. It's the public members on something like a Deferred Compensation Board who are very important to have because what you can get are people who are experts on finance and investment, and they work with the elected members to make the system strong. So, I think we need a portion of that Board to be public members. 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. 1194, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1583) recommending that S.B. No. 1378, 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. 1378, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR HISTORIC TRAIL," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1584) recommending that S.B. No. 1891, 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. 1891, SD 2, 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. What this bill does is fix in law the fee for commercial boating. The problem with this is that you need flexibility in setting fees. Things happen. Our revenue streams change. Sometimes you might want to actually lower a fee. In this case, what the law does is set a maximum level. Then in order to raise the fee you'd have to come back to the Legislature. I think, although we're legislators and we like to control everything, I think something like fee setting should be left in the Executive branch and be done by the administrators as the need arises. 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. 1891, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Finnegan, Fox and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1585) recommending that S.B. No. 1897, 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. 1897, SD 2, 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 bill, the purpose of this bill is to provide permanent funding for land conservation by dedicating 25% of the annual proceeds from the real estate conveyance tax to a new Land Conservation Fund. The conveyance tax was never intended to be a source of revenue. The sole purpose of the conveyance tax was to provide the Department of Taxation with additional data for the determination of the market value of the properties transferred.

"In 1966, when the Department originally enacted the conveyance tax, it stated that this tax was to never be used as a revenue-raising device. The Legislature has incorrectly determined in this bill that the conveyance tax is the appropriate means to fund the Conservation Fund. What this Legislature fails to realize is that the conveyance tax was never intended to be a source of revenue.

"Moreover, it is an undependable source upon which to rely on because any amount collected under this tax is contingent upon the activity of the real estate market. If the housing market should slow down, revenues may not be sufficient to

meet the expectations of the Conservation Fund. Therefore, if the additional revenues are not sufficient will the conveyance tax be increased to generate more revenue? That's quite possible.

"There is no rational nexus between the real estate transactions that are being taxed at conveyance and the Land Conservation Fund. Again, the Legislature has incorrectly determined that there is a clear nexus between the conveyance tax and providing for funding watershed protection and other natural resource preservation programs. But what is the nexus? I'm sure someone in this hallowed hall will fill me in.

"The Land Conservation Fund benefits, quote, 'the general public' and therefore should be funded through the general fund. To attempt to create a link between the value and the frequency of real estate transactions and natural resource management sets a dangerous precedent in how government programs should be funded. The approach should be to fund the programs appropriately from the general fund or allow these individual programs to develop other ways of generating revenues from within their respected programs to keep themselves self-sufficient.

"Automatic earmarking of funds negates the legislative policy making process itself. If the Legislature deems the Land Conservation Fund to be important, the Legislature should remain accountable by appropriating funds to this cause as they do with other programs. Earmarking funds absolves us as policymakers from setting priorities. Repealing the earmarking of these funds will help return accountability to the appropriation process and how our tax dollars are spent. Thank you, Mr. Speaker."

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

Thank you, Mr. Speaker, in strong support. First of all, I want to address the Minority Leader's question of where the nexus is between the success of the real estate market and the need for land conservation. I guess I thought that was kind of intuitive. But just to explain it to the Members and the members of the public, the hotter the real estate market, the tougher the pressures are on lands that could be developed.

"I look through the last 20 years of history. We have Sunset Beach, we have Sandy Beach, we have the Hokulia situation. Currently, the hotter the real estate market, the more aggressive the investors, the more it looks like a good investment to go into Hawaii real estate. But the less space we will ultimately have. And Mr. Speaker, you and I were discussing this three or four weeks ago. And I think that in the context of the next, say 50 years, this may be the most important thing that we do this Session because this will affect the physical landscape of this State of Hawaii.

"If we do this, we're going to have guaranteed funding to prevent the Hokulia situation, and to prevent the Sandy Beach situation, and to prevent the Sunset Beach situation, and to make sure that the public's land remains public. And that the heart of what we all appreciate about living in Hawaii remains that way. We don't want to become Los Angeles. We can't be growth driven forever. We would literally run out of space.

"I do want to address the question of earmarking and perhaps it's true that at one point the conveyance tax was specifically to generate revenue for the purpose of recording transactions. Well, the Legislature is currently in a position to make a public policy determination that this revenue source is appropriate to use for something else. And the reason that's important to do that is that last year, without State level funding for land acquisition, for conservation, we lost \$2 million worth of

federal money. The \$2 million came, was procured by our Congregational delegation, was sitting there in local accounts, and because the State didn't put up its match money that money reverted back to the federal government and we lost opportunities to preserve some of our most special places.

"Again, this is one of the most important things that we can do as a legislative body is to say: You know what? The real estate market is hot. We've had the lowest unemployment in a long time. Housing prices are going up. Everybody is making money, hand over fist. Maybe this is the time for us to take a deep breath and say, 'Now what is it that makes Hawaii special?' And maybe we should spend a little portion of the revenue that's coming in to the State coffers and to private sector coffers, and make sure that Hawaii remains Hawaii. Thank you."

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

"Mr. Speaker, I stand in strong support of this measure. This is one of your bills that your House Democrats have worked upon, and like the previous speaker, we think it will be one of those most important issues for us to leave for future generations of people.

"Mr. Speaker, we deal with issues that address problems of yesterday, problems of today, and this one addresses a problem of tomorrow. By passing this measure, Mr. Speaker, we would ensure that we can do right by the future leaders and people who inhabit these islands years from now when we leave these Chambers.

"By this measure, Mr. Speaker, the Legislature will recognize the value of Hawaii's natural resources to its economy, culture and quality way of life. By passing this measure, we will further declare the public policy of this State: that the preservation, protection and enhancement of State lands, coastal areas and natural resources are of central importance for the current and future residents and for the State's economy.

"Mr. Speaker, by passing this bill we will restate our commitment to Article XI, Section 1 of the Hawaii State Constitution that sets forth our duty to conserve and protect Hawaii's natural beauty. By passing this measure, Mr. Speaker, we will provide funding to conserve land for watershed protection, coastal preservation, flood prevention, parks, habitat protection, cultural preservation, agricultural production, and open space and scenic resources necessary to ensure the protection of these lands and resources, again, for our future generations.

"Mr. Speaker, the Legislature, by passing this measure, will establish the public policy that the conveyance tax is an appropriate means to fund the conservation of natural resources, by dedicating a portion of the current assessment to the Natural Area Partnership Program and Forest Stewardship Program that assist private landowners in managing important natural resources.

"There is a clear nexus between the source of the conveyance tax and providing funding for watershed protection and other natural resource preservation programs. The development, sale and improvement of real estate in Hawaii adds additional pressures on natural areas, coastal access, agricultural production in Hawaii's water resources and watershed recharged areas. For these reasons, Mr. Speaker, I stand in strong support. Thank you."

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

"Thank you, Mr. Speaker, in very strong support. Mr. Speaker, we started down this path two years ago when we created for the South Kona Wilderness Land; 11,000 acres of very, very sensitive lands in Hawaiian history. One thing we failed to do was to provide funding for that acquisition. And we're currently working, hopefully, with the federal government on coastal resource protection in order to find that funding.

This legacy land bill will help us to preserve Honu'apo on the Ka'u Coast, a very, very sensitive area that right now is under very strong development pressure. And we hope to be able to partner with the Trust for Public Lands with the federal government and hopefully some funds through this bill, so that we can preserve not only places like the South Kona Wilderness Area, Honu'apo, but all of those very, very important historic sites that we've got in this State. And if we don't do it, then we've failed future generations. Thank you."

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

"Thank you, Mr. Speaker, I rise in strong support of this and wish to commend the Legislature for such visionary action, such bold action, as this is my first Session with everyone. I am very proud to be a part of this bigger picture. I would also like that the words of the three former speakers be included as my own.

"Not only are we talking about the economics and the land, the sustainability of land and natural resources. We're also looking at the implications for education, and if our young people see that what we hold dear is not only land as environment, but also as it leads to our economic wellness then perhaps we also guide the effectiveness of our schools in preparing our young people to fulfill their role as citizens.

"I believe furthermore, that what it says to the world is that we value who we are and that the subsequent decisions that we will make according to legislation on how land will be used is very loud and clear to the world. Thank you very much."

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

"Thank you, Mr. Speaker, on the same measure, I'm standing in strong support. I'd like to thank the previous speakers who spoke in strong support on this measure, especially, for the other Member representing the area of the North Shore. We need to provide a balance. We have heard that a lot of people want to make use of these lands. I stand in strong support and I ask the permission of the Speaker to submit comments in the Journal. Thank you."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker and Colleagues, I stand in strong support of SB 1897, SD 2, HD 1, which requires 25 percent of real estate conveyance tax revenues to be deposited annually into the Land Conservation Fund. Appropriations that are allocated solely for the Legacy of Lands Act, intend to benefit many organizations, as well as the people of Hawaii. This bill also focuses on land that has agricultural and cultural value, which is necessary to maintain our way of life here in the Hawaiian Islands. This in turn, will allow grants to be given to state agencies, counties, and non-profit organizations, to acquire interest in land that has value as a resource to the State.

"The North Shore district of Oahu is just one of the many areas that is very rich in greenery, and natural resources. The North Shore is the epitome of ecological diversity, with stretches of rich and fertile agricultural lands that bear much of

our livelihood. We cannot let the growth of urbanization consume all our lands or lay asphalt on every square foot of our islands. Without open lands to absorb rainwater, the risk of destructive flooding will be increased. Our ability to be self sufficient, as well as our cultural heritage, will dissipate over time with the continuous loss of historical and agricultural lands.

"The 46th district is also home to world famous beaches. Tourists and locals alike, flock to the northern region of Oahu to bask in the lush scenic environment, and to partake of our abundance of Aloha. Our visitor numbers are overwhelming, especially taking into account the number figures of February 2005. Revenues deposited into the Land Conservation Fund will be matched dollar for dollar by federal funding. In order to continuously achieve great economic growth, and for the well-being of our islands, we must implement funds to a cause that is definitely worthwhile, and one that works for the good of all who reside and visit here. The Legacy of Lands Act will provide a much needed stewardship for Hawaii.

"Treating our *aina* with the utmost respect is imperative. We must keep in mind not only the fiscal impact that this bill will have on our State economy, but we must also be aware of how Hawaii will continue to flourish with its beauty and unique culture.

"As a local boy who was born and raised in Waialua and continues to reside there, I say with great pride that the natural resources of the State of Hawaii are truly unlike any other place in the world. Therefore, we as lawmakers must do everything in our power to ensure that the paradise we call home, will be preserved for generations to come. *Malama Pono.*"

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

"Thank you, Mr. Speaker. Mr. Speaker, I stand in very strong support of this measure. Mr. Speaker, under former Democrat regimes, those of us that wanted to preserve public land had to litigate on behalf of groups like Life of the Land, Sierra Club, etc. We were able to save Kamao Point by going to the courts and preventing development there. The H-3 case, unfortunately, we lost because the Senior Senator and Congress got that exempted from all environmental laws. We had worked hard using the court system.

"I'm very proud today to see us move to a more positive way, which is establishing a base under which we can acquire these important public lands. Unfortunately, we don't have the public interest attorneys anymore in Hawaii that were so wonderful on many of those cases. And those of us that were involved as lawyers in those cases have gone on to other fields and one of those fields is right here now. So, I'm very pleased to be a part of this, Mr. Speaker, and I look forward to this being really a landmark bill that the people of Hawaii will support. Thank you."

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

Thank you, Mr. Speaker, also in strong support. Thank you, Mr. Speaker. I'm so happy to hear some of the remarks made on the Floor today as I have long been for preservation and conservation and it's important to heritage, and its value overall. Not just for our local people but also for a viable economy in terms of tourism. People come to Hawaii because ... They don't come to Hawaii ... let's put it this way, because it's going to look like where they came from. Let's say Pittsburg or L.A. They come for its natural beauty. They come for its scenic beauty and we need to conserve that.

"Some of the speeches we listened to today helped me to, you know, remember one of my mentors, Theodore Roosevelt. He was a President many, many years ago. A Republican President. He was the President who actually established the National Park System and had the foresight, the vision, to preserve all these beautiful places across our nation. And in fact, just a little aside, you know, the Teddy Bear comes from the story of Theodore Roosevelt because he was an avid hunter but he understood that we need to save animals too. And when a little bear came out, you know, people said, "Why didn't you shoot the bear?" He said, "No, save the bear." And hence that is the story of how the Teddy Bear got its name.

"But indeed, you know, in the footsteps of Roosevelt, I just think that land conservation has manifold value to our community, to our society, and as has been said, to our future generations. Thank you."

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

Representative Kanoho asked that his remarks for H.B. No. 1308, HD 1 on Third Reading on March 8, 2005, be submitted for S.B. No. 1897, SD 2, HD 2. (By reference only.)

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

"Thank you, Mr. Speaker. I would like to thank all the speakers' in support of this measure. And I'd like to just let everyone here know that on the island of Molokai, we had a situation earlier this year called the 'McAfee Event'. And what that was, was many acres of land being auctioned off and the community stood together and tried to raise some money to purchase that land. Had this fund been available, they could have applied for this funding.

And also in Hana, I worked on a project called Muolea Point where it took about four years to gather funding so that we could purchase the property of 72 acres of land and now it's in conservation. So, I rise in strong support of this measure and urge my colleagues to please support it as well. Thank you."

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

"Mr. Speaker, in support. I'd just like to thank the speaker from Liliha for her comments because I was born and raised in Pittsburgh and came to Hawaii. And I can tell her for a fact that Hawaii is quite beautiful and a great place to be.

"I speak in support because I hope it'll be our legacy as a Legislature to protect the lands of Hawaii and to have open spaces and incredible lands for people to visit from all over the world. 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. 1897, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," 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. 1586) recommending that S.B. No. 873, 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. 873, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in strong support. First, I'd like to request a ruling from the Chair on a possible conflict. My daughter will be graduating with a Bachelor's degree from an Accredited Teacher Preparation Program as stated on page 4," and the Chair ruled, "no conflict."

Representative Arakaki continued, stating:

"Thank you, Mr. Speaker. I speak in strong support. First I'd like to give my kudos to the Chairs of the Education Committees in both the House and Senate side because it's an issue that we've been trying to resolve for several years in terms of late-born children attending kindergarten. This is an excellent compromise and I think the start of a bridge that will eventually lead to universal access to early childhood education.

"I just want to mention a couple of concerns. First of all, I know it's not intent but the bill may allow a child to go from junior kindergarten into first grade. And the main reason is that I think because we still don't have mandatory kindergarten. And, you know, I don't think we should preclude that from happening, but there should be some way of determining whether the child should or shouldn't go to kindergarten after junior kindergarten.

"And the other thing is, I'm hoping we can enlist the support of the private sector in terms of early childhood education, both programs and personnel, and develop a partnership to not only increase the compensation of our early childhood education teachers but increase the quality as well. So, I encourage all my colleagues to support this measure. Thank you."

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

"Mr. Speaker, in opposition. I feel a little odd just because the Chair of the Health Committee just urged all of us to vote in favor and I stand up and say, 'No'. But I was very curious as to the Good Beginnings and what their arguments were for being against this bill. So, I gave them a call yesterday and asked for some explanation. And one of the things they had shared with me is that they were against this bill because they were under the impression that junior kindergarten was still kindergarten, and that you would, upon completing kindergarten, would be going to first grade. So, I guess that's the difference between the two sides.

"So, knowing that the qualifications and the standards for a teacher for a kindergartener should remain the same as the junior kindergartener and the kindergartener alike. So, that's why I'll be voting no, and if anybody else has any information as to the expectations after you complete junior kindergarten than maybe you'd help me understand the bill better. Thank you."

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

"Just reservations on this measure. I'll vote in favor, but I know that Good Beginnings and the Department of Education both testified in opposition."

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

"Thank you, with reservations as well because of the concerns of the Good Beginnings Alliance."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 873, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Finnegan, Fox, Meyer, Pine and Stonebraker voting no.

At 10:34 o'clock a.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 55, SD 1, HD 2; 1194, SD 1, HD 2; 1378, SD 2, HD 1; 1891, SD 2, HD 2; 1897, SD 2, HD 2; and 873, SD2, HD 2, passed Third Reading.

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

(Stand. Com. Rep. No. 1587) recommending that S.B. No. 1256, as amended in HD 1, pass Third Reading; and

(Stand. Com. Rep. No. 1588) recommending that S.B. No. 1257, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that S.B. Nos. 1256, HD 1, and 1257, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose in opposition, stating:

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, I know that, I think that we all believe in letting the people decide and putting it on the ballot to let them decide. But I also have a duty to the people sent me here to let them know where I stand on what I think is a very flawed and vengeful measure."

The Chair interjected, stating:

"Excuse me, Representative Moses. Would you like to speak in opposition to both 1587 and 1588?"

Representative Moses continued in opposition to both measures, stating:

"Thank you, Mr. Speaker. I certainly would. 1587 is the Constitutional Amendment. 1588 is the underlying bill that would have to be put into law to effect the changes. Mr. Speaker, I believe this is again, just a measure to try to handcuff this Governor, to put a stranglehold on her; to strip her of all the powers that the people elected her to do when they sent her here.

"Mr. Speaker, this says that the Governor must pick Regents only from a list provided to her. In many states, it's the norm for the governor to appoint members of the governing structure for higher education, which has been the case in this State; as long as there have been Democrat governors in the office. It's not the norm, however, for a screening body to provide those names to her for her consideration.

"The Association of Governing Boards indicates that only four other states in the nation do this; that's in Minnesota, Kentucky, North Dakota and Virginia. I don't think we want to follow any of them.

"Mr. Speaker, talking about the underlying bill, again the Association of Governing Boards cautions against screening boards that are composed of special interest representatives. Now, if we don't think these are special interest representatives, let me read from the underlying bill. These people that will be appointing or nominating people for the Governor to choose from. One member shall be appointed by the President of the Senate, and one member appointed by the Speaker of the

House. Of course, I have all the confidence in the world with your abilities, Mr. Speaker. But then it goes on.

"There should be one member appointed by the Governor; so she gets one vote out of 11. The other ones are: six from the University of Hawaii. It's the University of Hawaii's All Campus Council for faculty members, the University of Hawaii's System Student Caucus, University of Hawaii Native Hawaiian Council, University of Hawaii Professional Assembly. Then we get one from HGEA. One member from the State Bar Association, I don't know what they have to do with this. It's higher education after all. Another member is from the University of Hawaii Foundation, and the University of Hawaii Alumni Association. So it appears that the University of Hawaii gets a great deal to say about who is going to be the Regents that govern them.

"Going back to the Association of Governing Boards. The President has warned that a screening committee composed of a collection of special interest representatives contradicts what public citizen trusteeship is supposed to be. It's supposed to be outstanding citizens who are independent in their individual and collective judgment and who are there to serve the people of Hawaii.

"The way this bill is written, this will violate that concept by having special interests represent the specific slots on the advisory board. So, I am again in opposition to both measures, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition to both measures. First, I would like to incorporate the remarks of the Representative from Makakilo as if they were my own.

"And, Mr. Speaker, one of the great advantages of our federal system is that we get to learn from the experiences of other states; bring in models that work elsewhere. In that respect, I am most affected by the fact that only four states have a similar system to this one. And the state that I admire most for its system of higher education, our neighbor, California, has a system of direct appointments by the Governor. So, for those reasons, I'm opposed to these two measures."

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

"Mr. Speaker, I stand in very strong reservations, although in support of Standing Committee Reports 1587 and 1588. And my reason is that I would prefer to see the constitutional amendment allow the public to elect the Board of Regents such as we do the Board of Education. Thank you."

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

"Thank you, Mr. Speaker. In opposition to both measures. My concern with these two measures is that, while I did vote previously with other versions with the reservations, what happened in Committee is that it was amended as previous speaker pointed out, to take out what I perceived as the balance for our university students to have input from both the business community, which will be very well employing these students later, and also the medical community where we are now investing a lot of money for our Kaka'ako Medical School. So, with those amendments I cannot any longer support the bills, and so I remain in opposition. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and S.B. No. 1256, 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," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Green, Halford, Marumoto, Meyer, Moses and Thielen voting no, and Representative Schatz being excused; and

S.B. No. 1257, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Green, Halford, Marumoto, Meyer, Moses and Thielen voting no, and Representative Schatz being excused.

S.B. No. 1256, HD 1 passed Third Reading in the following form:

S.B. No. 1256, HD 1

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article X, section 6, of the Constitution of the State of Hawaii to modify the University of Hawaii board of regents' appointment process.

It is the intention of the legislature that the existing members of the board of regents of the University of Hawaii serve their full terms of office. As each term expires, the regent will be replaced by an appointed member screened and proposed by the candidate advisory council.

SECTION 2. Article X, section 6, of the Constitution of the State of Hawaii is amended to read as follows:

"BOARD OF REGENTS; POWERS

Section 6. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor[-] from pools of qualified candidates presented to the governor by the candidate advisory council for the board of regents of the University of Hawaii, as provided by law. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have the power to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board. The board shall also have exclusive jurisdiction over the internal structure, management, and operation of the university. This section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the governor be required to select board of regents candidates from a pool of qualified candidates screened and proposed by a candidate advisory council for the board of regents of the University of Hawaii as provided by law?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This part shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1589) recommending that S.B. No. 1747, 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. 1747, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LYON ARBORETUM," passed Third Reading by a vote of 50 ayes, with Representative Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1590) recommending that S.B. No. 1557, 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. 1557, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 50 ayes, with Representative Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1591) recommending that S.B. No. 1201, SD 2, 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. 1201, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Third Reading by a vote of 50 ayes, with Representative Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1592) recommending that S.B. No. 1420, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1420, SD 2, HD 3, 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 in Stand. Com. Report 1592. This bill is dealing with psychotropic medications. It's important to note that section 1 of this bill will require all contractors of the Department of Human Services including QUEST managed care plans to provide unrestricted access to psychotropic drugs in conflict with each of the Department's QUEST plans' current best practices for 154,000 of their Medicaid customers.

"The Department at this time cannot accurately estimate the cost of providing unrestricted psychotropic prescriptions but the cost will be substantial. Currently for 40,000 of their Medicaid fee for service customers, the cost for psychotropic medication

is over 15% of the total pharmacy cost for this program. That's about \$18 million.

"Under the Medicaid clinical requirements, these medications can be prescribed by licensed psychiatrists only. That's the way it's set up now. But this bill would eliminate the Department's Medicaid clinical requirements and thus allow unrestricted psychotropic prescriptions for 154,000 of the Department's QUEST customers by not only licensed psychiatrists, but also by all 7,600 licensed medical providers in the State. When you enlarge the pool of people who can prescribe, you're sure to get many more prescriptions being written.

"Lastly, as an unfunded mandate, an appropriation to support both the staff and the technical support to the proposed new taskforce and reimbursements for travel and other necessary expenses incurred in the performance of their duties, there is no money. It's missing from this bill and must be added if the Department is to do what this bill asks it to do. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. I think the issue on this psychotropic medication and presumptive eligibility, and Medicaid in general is what we see as two sides. Open access and the other side would be cost.

"I don't believe that they're in opposition with each other like most people would say they are. I think right now, what DHS has gone through is a process that allows open accessibility to psychotropic medication, as well as they are able to manage some of the cost.

"What DHS has done is put together before they even thought about doing a PA or thought about doing a preferred drug list, they put together a committee. The committee was what's called a called a Pharmacy and Therapeutic Committee. And what they had done through that is they did not take a look at any of the financial information as to what the cost of the medications were. What they did was just the efficacy and the best practices evidence-based information and this Committee of pharmacists and doctors and psychiatrists came together and they put in this PA process.

"This PA process does allow open accessibility. What it does is it puts on some restrictions which would enable a person to still get the medication if they follow some of the rules. If you have heart problems or some of the things that maybe the prescribers, the doctors may not necessarily know about or some of the more updated information that may have come through, and they could very well be FDA approved medication. So what I'm saying is, what they're doing in this Committee is making sure that the clientele will be safe from updated information.

"One of the things that bother me is that when you're talking about psychotropic medication, one of the latest things that has come out is some of these medications are actually under investigation because they think that it can get a teenager to commit suicide, and DHS would not have the opportunity to put that on a restrictive access type of thing. To maybe say that, 'Is this person over the age of 18?' I don't know. I didn't sit on that Committee, nor I am a psychiatrist or a pharmacist. But what I am saying is there are things like that, that DHS will be exposed to by not protecting their clients. And this does not allow them to exercise that.

"Now if we were to say after this P and T Committee, then what had happened, those recommendations came to DHS and then they looked at the cost. And then they put together this

PDL. So I don't necessarily think that it is a fight between open access and cost. However though, if we do go forth with this, it will, I believe have a big cost implication if it does apply to all of the QUEST plans like the previous speaker has said. The QUEST plans actually have a more restrictive process of PDL and PA and so what you're talking about is we have no idea as to what kind of increased cost that we would incur.

"The other thing is, I can see how the due diligence was done on the DHS side and now our bill talks about having a taskforce, which I think is a very good thing. The task force will allow all of these discussions. It basically states it all here. All the things that they would like to cover.

"Before you go and do that, and you talk about State liability and all of these kinds of things, let's hold off on the bill. Let's go and make this a taskforce. Let's go ahead and take into all of these considerations. Let's know what kind of cost implications. Let's see if there is a hindrance on open access, which I don't believe there is. And then from there, make a substantial, should it be proven, substantial change in the way that we run our PAs and PDLs for QUEST and Medicaid in general. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the bill. Mr. Speaker, this bill relating to psychotropic medication really runs counter to two other measures that we've had before us in the House: House Bill 31 and House Bill 32.

"The Representative from Pearl City/Momilani and I, have tried to get a handle on the cost of prescriptive drugs. One of the reasons this is of concern is that the drug industry is marketing directly to consumers. We pass this bill on psychotropic medication and the drug industry will jump on board and do that. One of the reports given to me through AARP states that consumer advertising for prescription drugs soared to \$4.2 billion. Billion, not million, in 2004. Up nearly 30% from \$3.2 billion in 2003.

And the industry itself says that it should not apologize for being marketers. That's what they're doing. Glitzy and expensive advertising campaigns for prescription drugs. That would happen in this case too, where the consumer is going to be blitzed with all of this marketing saying this is what is going to cure everything. And you need to take this drug, you need to insist on being able to take this drug. I again say this is exactly what the Representative from Pearl City/Momilani and I, are trying to prevent; this direct advertising to the consumer, because it's not in the best interest of healthcare, Mr. Speaker.

"There's one other thing that I note in the Committee Report to this bill that makes me very concerned and enforces my no vote on this measure. The Attorney General expressed concerns that the provision establishing presumptive eligibility for psychotropic medication for patients in need of emergency psychiatric or psychological service may expose the State to liability. That's a very serious concern, and I think it's one that we should pay attention to. I mean, I don't see the bill going forward in its present state, Mr. Speaker, unless Members in this Body are willing to expose us to significant liability. The Attorney General has warned us. I think we should pay heed. Thank you."

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

"Thank you, Mr. Speaker. I speak in support and I do have some minor reservations. But I am in support.

"I'd like to say a couple of things. This bill addresses people that are our most fragile. People with mental health issues, mental health illness, their health teeters on a very, very fine razor's edge. If they don't get their medication, if they get the wrong medication, they can spin wildly out of control and they can't advocate for themselves. People with schizophrenia can't put together a cohesive statement. They can't speak about their own needs. They disappear. They don't remember who they are.

"So that is very important to recognize because we're taking about a couple of things. We're talking about cost. Yes cost will increase. There's no question, if people have presumptive prescription authority so they don't have to go and get some special eligibility or approval. But if a person ends up in the hospital because their schizophrenia is out of control, because their mood disorder is out of control. A hospital costs \$1000, \$2000, \$3000 a day. If they go and hurt someone, I can't even tell what the untold cost would be to our society. If they kill themselves, the costs are not calculatable. So that's one of the main issues. So when we talk about costs, I do really strongly appreciate the comments that were made before, but it's going to be a very difficult thing for us to do to ever assess completely what the costs are.

"Now when we talk about straight up eligibility and whether we expand people's ability to prescribe, the healthcare community's ability to prescribe this without being regulated, I see their point. I see their point. I see why there is concern. But I will say this. When you have a group that's this fragile and they can't advocate for themselves, I cannot accept what people say, when they say that there is not a delay, or they are not going to get their medicines quickly and efficiently. It just doesn't happen. Systemically, it's difficult to get things done in a very streamline fashion. And missing your medication; your medication could have a half-life, meaning how long until it breaks out of the system; out of our bodies. It could be 12 hours. If they don't get that medication within a very tight timeframe, their illness won't be controlled. So we cannot take risks.

"I support this bill because of these reasons. I think we might need to make some changes. But I think when we deal with our mental health population, we have to always err on the side of extreme caution that we take care of them more carefully than any other group in our system, especially because some of the statements that were made before; possibly about suicide, possibly about damage to people in our society, long-term."

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

"Mr. Speaker, I will be voting no on this measure although I support the intent. I think there is a need, as the previous speaker pointed out, and he is a physician. There is a need to provide proper medication to people. And I would even support sometimes, if they are not able to consent to proper medication.

"However, this particular bill allows any medical professional licensed in Hawaii to prescribe psychotropic medications. And to me, anybody who is license could be a doctor, nurse, dentist. So, presently, only physicians are allowed to prescribe these medications and I think we should look at the language and tighten it up a little bit. Thank you."

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

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, Director Koller in the Finance Committee went over this measure with us and indicated that, yes, there is a preferred list.

If a doctor, however, decides that his patient needs something that is not on the preferred list, the Department keeps a supply. I think it was a week. I may be mistaken there but at least several days supply of the other medicines on hand. If the doctor indicates his patient is stable on this medication, that's it. That's the waiver. He now has the authority to continue to prescribe that drug and it will be provided for him and it will be paid for. So I don't understand the need for this measure. Nobody is being turned away from having their medicine. It's just up to the doctor to say that's the medicine he wants."

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

"Thank you, just in opposition, and I ask that the words of the speakers from Kailua and Pearl City be incorporated as my own. Thank you," and the Chair "so ordered."

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

"Mr. Speaker, I rise in support of this measure in its amended form. I initially opposed this measure when it was in Committee because of open access and the cost of it. But, however, as the bill moved on there was substantial amendments that I can now support; like the task force, the examining. Also they changed the effective date to 2010 so that we can further look at this measure.

"And yes, there is a need for this medication. As you know, we don't have these big mental hospitals anymore that we had many years ago. So in this form, I'm in full support. Thank you."

Representative Sonson rose in support of the measure, stating:

"Thank you very much, Mr. Speaker. Just a few words in support. First of all Mr. Speaker, I would like to incorporate the remarks of the Representative from Kona, our good doctor, to be incorporated into the Journal as my own. I also agree that we should limit the prior authority to prescribe it. I think that the Director of Human Services went as far as to say that even podiatrist and dentists will be able to prescribe psychotropic. So, I think the intent is to allow the professionals that are dealing in particular specialties to prescribe these on an emergency basis.

"One thing that I'd like to let the Body know is regarding our PDL and PA System. The Director seems to be indicating that there's open access and there's no problem. However, on its face if you read what has been provided to the Committee which shows what the actual steps that you need to do in order to obtain the kind of medication that these particular very sensitive patients are used to, which has finally stabilized them with this particular drug. If that is in any way not available and you need now to comply with an authorization that the State has, I can only picture a person that becomes destabilized as a movie I once saw, *Lethal Weapon*. I don't know if you remember Mel Gibson, when they were trying to apprehend a person in a place where they sell Christmas trees. Someone grabbed him from behind and pointed a gun at his head. And basically, the camera focused on his eyes and I could not see any reason in that man.

"Well, I see that picture each time people say, "How do I qualify? How do I get access to that particular drug that was prescribed?" Well, the step is to fail. It's what we call clinical failure. You have to fail almost twice and go down the line until such a time that you fail, you clinically fail, then you finally get to have the drug that you are used to which brought you to stabilization.

"I don't think that it's good public policy to let Mel Gibson go running around and saying, "Go ahead! Shoot Me!" You know, it's crazy. We have very unstable people out there that can get lost. They don't care about anything because they don't know any better. Suddenly, there's a drug that's prescribed by a physician that stabilizes a person, takes them off the street, probably get them a job. All of a sudden, a doctor prescribes this same medication, this person goes to the counter at Longs Drugs and says, 'I want my blue pill,' whatever it is. And there's something called a 'hard edit', Mr. Speaker, that's implemented by the Department and it's right there in the computers. And when the drug is typed in the computer, it says you need an authorization. What do you tell that person over there waiting. This Mel Gibson waiting at the counter who wants his particular drug? Are you going to tell him, 'Oh, you can't. You have to come back.'

"The testimony that was bought out, written as well as the oral testimony, brought up in Committee which convinced me, Mr. Speaker, that these particular patients, that these doctors are dealing with are really truly unstable. And the cost savings that we normally obtain from PAs and PDLs cannot be balanced toward the other costs. For example, Mel Gibson on a rampage in Downtown Honolulu. Or Mel Gibson getting injured and going to Queen's. The cost to the system is a lot more expensive than the cost that we save from our PDLs when dealing with this particular situation.

"Yes Mr. Speaker, we may have to work on this a little more and it does have a defective date and we can probably work on the bill a lot better in Conference to ensure, that can be taken into consideration not only the concerns of the Director of Human Services, but also the concerns of the Attorney General. Thank you, Mr. Speaker."

Representative Waters then called for the previous question.

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 3, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and Representative Schatz being excused.

At 11:03 o'clock a.m., the Chair noted that the reports of the Committee were adopted, and S.B. Nos.: 1256, HD 1; 1257, SD 2, H.D 2; 1747, SD 2, HD 1; 1557, SD 2, HD 2; 1201, SD 2, HD 3; and 1420, SD 2, HD 3, passed Third Reading.

At 11:04 o'clock a.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:07 o'clock a.m.

At this time, Representative Finnegan rose stating:

"Mr. Speaker, would you allow me to submit written comments on that last measure?"

The Chair responded, stating:

"Yes, the Chair will allow you, in opposition, in addition to your remarks made earlier. 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. There are times when mental health care will not be compromised by using a cheaper drug. In those cases, we should have a mechanism that allows the money we save to provide health care to other eligible Medicaid clients who cannot get any coverage because our State coffers cannot afford to provide a limitless amount of money.

"There is a need to study the inefficiencies in the implementation of PA & PDL and the education of the pharmacies and doctors that are a part of the process. I have confidence that once that happens, we will be close to having the best of both worlds: open access and cost savings. I lean toward supporting the PDLs and PA because there were no links to substandard care under the current PAs or PDLs administered by the DHS-Medicaid Fee For Service or the Medicaid Quest plans contracted by HMSA, Kaiser, or Aloha Care. Thank you, Mr. Speaker."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1593) recommending that S.B. No. 244, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 244, SD 2, 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, in support with reservations. The Department of Health indicated to us that they're already working on this with KCC and I believe that there could be a cost savings here, instead of us putting this into law. 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. 244, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1594) recommending that S.B. No. 935, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 935, 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. This is S.B. 935, SD 1, HD 1. I believe it serves no purpose other than to increase the cost of capital improvement projects financed through the noteworthy Special Purpose Revenue Bond Program by requiring projects that have some kind of governmental involvement no matter how minor to be subject to requirements of Chapter 104, HRS; sometimes referred to in this State as the little Davis-Bacon Act.

"I oppose this measure because it would make SPRBs less attractive as a financing alternative for private and parochial schools, driving up the costs of some projects. I stand in support of the parents who choose to send their children to private and parochial schools because they are already saving the DOE millions of dollars by not using the public system yet

paying to support that system with their tax dollars. I will not penalize them again by voting for this bill. And I ask my colleagues to vote against it as well. Thank you, Mr. Speaker."

Representative Finnegan 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 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.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 935, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1595) recommending that S.B. No. 1698, 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. 1698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY GROWTH," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1596) recommending that S.B. No. 1702, 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. 1702, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1597) recommending that S.B. No. 1250, 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. 1250, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support of Stand. Com. Report 1597, Relating to Public School Substitute Teachers. I'm a little concerned about the bill because it goes back to a system that has been going on for a lot of years in the school where the DOE makes the determination of what they're going to pay the substitutes and on a 3-tiered basis. Which, in many ways is good because they look at their educational background and their years of experience and those substitutes that bring more to the table, who had more training, more experience, get paid at a higher level.

"But, we're not doing anything for the difficult situation they're in right now which is the fact that the DOE paid little attention to the statute on the books that would have paid them somewhere in the neighborhood of \$140 dollars a day. And

there is some misgivings between the substitute teachers, and the DOE, and the Board of Education.

"The purpose of this bill is good. I'm just a little concerned. The substitutes have been pushed around so, so much. They don't feel that the DOE is looking out for their interest. Nor do they feel like the Board of Education really cares much about them. And the situation is really critical. There are substitute teachers now that simply won't take jobs. It's putting schools in the position where you have to have, you know, someone in the office sit in as a substitute, who has never done it. I think we are moving in the right direction and hopefully the substitutes will have strong spokespersons that can work with the DOE and they will be treated fairly because these are a valuable resource to our education system. 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. 1250, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1598) recommending that S.B. No. 1889, 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. 1889, SD 1, 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, in opposition. Mr. Speaker, this is Relating to Apprenticeships, S.B. 1889, SD 1, HD 2. I believe this bill is another example of trees that have fallen in vain. First and foremost, DLIR has testified that the federal government has made it clear that they will not approve the State plan with the language in this bill because it lends itself to the appearance of impropriety and potential for abuse. Passing this bill will likely result in the feds taking back their funding and assuming responsibility for improving Hawaii's apprenticeship programs.

"Second, the bill calls for assurances of qualified trained personnel and adequate job supervision. Mr. Speaker, DLIR has testified that it does not oppose such assurances, but there is no need to amend Chapter 372 because such requirements are already included in the administrative rules for apprenticeship programs. Granted that's DLIR's perspective. But what about the view of the building trades?

"Regarding the matter of requiring parallel apprenticeship programs to meet a standard of equal to or better existing programs, the Standing Committee Report No. 1598 says that testimony from the building trades, that DLIR has for years by custom and practice required a new and competing program to establish that it is offering at least a program that is equal to or at least better than the existing program.

"So if DLIR and the building trades are in agreement, then what this bill calls for is already being done, Mr. Speaker. What is the considered opinion of the legislative Committee? Again, I quote from Standing Committee Report No. 1598. 'This bill amends the existing statute to reflect federal and State rules and procedures already in place within DLIR.' And again, this measure does not reflect a change in the operations of the apprenticeship program in Hawaii, but rather reflects the law and current practice. If DLIR, the building trades and the Legislature's own Committee agrees that what this bill calls for is already being done, what has been done for years, the only

reason that I can see for this bill is to help boost the logging and paper mill industries so we'll have enough paper for the 'do nothing' bills that the Legislature is trying to pass out this year.

"Mr. Speaker, I forgot one thing. The bill actually does do one new thing. It strips yet another bit of authority from the Director of Labor by changing the Apprenticeship Council from the advisory role to one that will take away decision making on apprenticeship programs from the Director. But I guess that's not really new this year, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker, in opposition. The concern that I have is that we have an economy that requires more and more people trained in the construction and building trades. The apprenticeship program is the way to do it. And the effect of turning over power, taking it away from the Director of Labor and Industrial Relations and turning it over to the unions through their representatives on this new Apprenticeship Council is almost without a doubt going to be less people in apprenticeship programs and that's not good, given what we need. Thank you, Mr. Speaker."

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

"Mr. Speaker, strong support. Mr. Speaker, this legislation is all about trying to protect Hawaii's workers: to train them, to give them their skills, to help them with their decision-making ability. So they go out into the workforce particularly today, Mr. Speaker, where we're seeing a construction boom that we haven't seen over a decade in our State. And let's hope it goes for a long time.

"Mr. Speaker, what we want to ensure is that these trainees who go into the apprenticeship programs are adequately trained. As Speaker Emeritus explained to me at the hearing when were in recess, and this boils it down to its essence: any one can train a monkey, but what a true apprentice program is doing is training people to think. And we're seeing recently a move to establish programs that the sole goal is to get them to meet the minimum requirements and get out into the workforce. And this is something we do not want to have to see happen, Mr. Speaker.

"We've dealt a lot this Session talking about worker's comp and how to improve it. Worker's comp premiums have been going down recently, Mr. Speaker, and part of the reason why, is safety in the workplace. Part of it is due to management. Part of it is due to the unions. And part of it is due to the highly skilled workforce that we have today that are trained to avoid accidents; that does drive up premiums when accidents occur.

"This bill helps train and develop a highly-skilled workforce that will impact things like worker's comp premiums, and therefore this is not about killing trees. This is not a joke. This is about trying to help workers and it's a good public policy measure that we're implementing here, 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 bill would transform the State Apprenticeship Council from an advisory board to a board that promotes and improves training programs. This will give the labor unions a cartel, a monopoly on apprenticeship programs and restrict any private organization like the Associated Builders and Contractors that compete against the unions by offering their

own apprenticeship program. There had been a provision put in an earlier draft that had language that said that the bill would not go through if they didn't have written approval from OATELS. OATELS is the Office of Apprenticeship Training Employer and Labor Services at the federal level. But, I noticed that that has been taken out of this current draft and that's a very important measure because the Director of the Department of Labor felt that this would not be approved.

"The federal rules and regulations of apprenticeship programs require that the State Apprenticeship Council be composed of persons familiar with apprenticeship occupations. This can result in conflict of interest. When the State Apprenticeship Council is run by union members only, and that's kind of how this is setting up, that you will have only the unions being approved as being able to run qualified apprenticeship programs. And we know, you know, there are many very gifted and talented contracting organizations in this State and there is no reason to believe that only the unions are qualified. But that's what this bill is setting up for.

"And as was said by the speaker from Waikiki, we're having this huge building boom now and we need more and more trained well-qualified construction workers. And this bill will not assist us in getting to that place. Thank you, Mr. Speaker."

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

"I'll have to vote in opposition since I heard the comments of the previous speaker. This would exclude a lot of the great apprentice programs that have been created by businesses that are eagerly trying to employ the high school students in my district. Thank you."

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

"Thank you very much, in opposition and request for written comments. I am also concerned about the lack of balance again in providing these apprenticeship programs."

Representative Ching's written remarks are as follows:

"I am opposed to the requirements relating to parallel programs and the assurances regarding need in the trade or group of trades and compliance with the "equal to or better than" requirements. I submit that the need for workers in particular trades or skills will be difficult to predict because of changes in the economy and building technology. In addition the "equal to or better than" requirement may be used to prevent the registration of new programs."

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 2, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIPS," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1599) recommending that S.B. No. 751, 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. 751, SD 2, 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 with serious reservations on this measure. Thank you. Mr. Speaker, this bill relates to worker's compensation fraud, among other things. My concerns are addressed on page 67 and 68 of the bill. What the bill provides is that the Commissioner may investigate a complaint for worker's compensation fraud, and then here is the language to which I object. 'Provided that for an investigation or prosecution related to worker's compensation fraud, the Commissioner shall only investigate or prosecute worker's compensation fraud complaints, fraud against an insurance carrier, a self-insured employer, or a fully insured employer.' What's missing, Mr. Speaker, is worker's compensation fraud brought against an employee. I frankly don't understand why that very important part isn't in the bill. I mean, if you're looking at worker's compensation fraud complaints against the insurer, against a self-insured employer, against a fully insured employer. What about the employee? And I don't understand why that is missing?

"There was some mentioned in an earlier Conference Committee Report that that measure was going to be somewhere else coming before us, but I've looked in all of the bills and I have not seen it. I'd like to ask the Chair of the Finance Committee who signed that Conference Committee Report with that allegation in it. Where is that bill or that provision relating to investigating employee worker's compensation fraud? And if you would prefer Mr. Speaker, I call for a recess, that would be fine."

The Chair then stated:

"Representative Thielen, there is no Conference Committee Report before this Body. There is no Conference at this point in time."

Representative Thielen continued, stating:

"I'm sorry. I don't mean Conference Committee Report. I meant Committee Report; the yellow Committee Report. And it was in a statement attached to this bill in a previous Committee Report. And I would like to ask the Chair of the Finance Committee, who signed that Committee Report, where is that provision looking at employee worker's compensation fraud?"

At 11:23 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:25 o'clock a.m.

Representative Thielen continued, stating:

"Thank you, Mr. Speaker, the Finance Committee Chair did explain to me. It appears that it was not on a Committee Report that he had signed. So, I will go back and find where it was on a previous Committee Report.

"I also, in our conversation, I also see that we have a philosophical difference and I can understand that, but my belief is that all four parties to this, to worker's compensation fraud complaints, should be in this bill. It should be the employee, the insurance carrier, self-insured employer, and a fully insured employer. So that's where we evidently have a philosophical difference and those are my reservations. Thank you."

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

"In support, Mr. Speaker. Just a couple of comments. Chapter 386-98 deals with fraud also in the worker's compensation arena. And the Director of Labor has authority to prosecute that. I think it's important to make sure that something is left to do in this particular case.

"There was strong testimony in support of having the Commissioner investigate employers only. It came from one of the biggest providers of worker's comp in the State. And actually, this insurance, this worker's comp provider said, the biggest cost factor in worker's compensation premiums today is not the employee's fraud. Rather, it is employer's fraud. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support with reservations. And I'd like to request the words of the Representative from Kailua as my own, except for the portion dealing with the Committee Report. Thank you."

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

"Thank you, with reservations and the same request. Thank you."

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

"Very briefly in support of the measure because I think the starting point is that everybody's against fraud in worker's compensation or any other area, I would dare say. And in this measure in particular, I think this is the first step. As indicated by the prior speaker, worker's compensation fraud right now is currently handled by the Department of Labor and Industrial Relations. In fact, testimony at the public hearings indicated, I believe it was Director Watanabe that indicated in the area of worker's fraud in worker's compensation, that there has been at least two cases that have been fully prosecuted and effectively done imposing all of the penalties that were warranted.

"This is looking at an alternative to determine whether or not if the enforcement provisions for fraud were put before the Insurance Commissioner, whether that would be an equally or more effective means, because preliminary evidence was that most of the worker's compensation fraud that occurs today is within the realm of the insurers or the employers.

"I believe it's a reasonable first step. Let's see what happens and then we can perhaps make a policy determination in terms of whether, rather than having dual jurisdiction, all should be provided to one or the other. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with some strong reservations on this measure. S.B. 751, when it arrived at the Finance Committee, was really a housekeeping bill, which the Insurance Commissioner wanted passed to straighten out some of the things that he was dealing with. But, in Finance, this Part II was added and that is the troublesome part of the bill.

"I have a problem with the awarding of the attorney's fees and costs to successful defendants in civil or administrative actions because it's contrary to the tradition of American courts. Attorney's fees and costs are ordinarily the responsibility of each party. This proposal would seriously chill the Commissioner's willingness to bring an enforcement action in view of the possibility of attendant fees and costs. Awarding

attorneys' fees and costs only when the action is frivolous and malicious is more consistent with our nation's fee shifting tradition.

"I wanted to just read a paragraph from some testimony presented by Bob Dove the CEO of HEMIC. He states, 'The worker's compensation system is arguably being defrauded by employers, workers, doctors, lawyers, insurers and other stakeholders. If the Legislature is serious about curbing fraud, it should bring all stakeholders under the Commissioner's authority, rather than having some of them going to the Department of Labor, and some to the Insurance Commissioner. It should strengthen wording regarding worker's compensation fraud to clearly define 'premium fraud.'

"We may on either side, we may not be that far apart, but this bill is far from perfect and needs a lot of work. Thank you."

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. 751, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

At 11:32 o'clock a.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 244, SD 2, HD 1; 935, SD 1, HD 1; 1698, SD 2, HD 1; 1702, SD 1, HD 2; 1250, SD 2, HD 2; 1889, SD 1, HD 2; and 751, SD 2, HD 2, passed Third Reading.

At 11:33 o'clock a.m., 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 Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1600) recommending that S.B. No. 1792, 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. 1792, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR PROGRAM," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1601) recommending that S.B. No. 819, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 819, SD 1, HD 1, 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 rise in strong support of this measure. This measure will allow for all proceeds collected by the Department derived from historic preserve user fees, historic preserve leases or

concession fees, fees charged to carry out the purposes of this chapter, or the sale of goods along with civil, criminal, and administrative penalties, fines, and other charges collected under this Chapter. This measure will provide financial assistance to public agencies and private agencies in accordance with the Chapter involved in historic preservation activities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 819, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1602) recommending that S.B. No. 1697, 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. 1697, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1603) recommending that S.B. No. 116, 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. 116, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'd like to speak in strong support of the measure and I do have written remarks to insert into the Journal. But I would just like to say that this measure would attract and assist nurses interested in furthering their nursing education by enrolling in Masters and Doctorate nursing education programs at the University of Hawaii. And this is really important because this will enable them to train the next generation of much needed nurses. Thank you, Mr. Speaker."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. This measure will establish a nursing scholarship program to help the School of Nursing satisfy the growing demand for nurses in the State. In particular, this measure will attract and assist nurses interested in furthering their nursing education by enrolling in masters and doctorate nursing education programs at the University of Hawaii. These holders of advanced degrees will then be able to train the next wave of much-needed nurses. This measure will also provide an "Operation Nightingale" program to help nursing students pass their certification exams.

"We are all familiar with the chronic shortage of qualified nurses in our State. As the nursing career becomes ever more technically demanding and understaffed, there is the additional challenge before our need for nurses presented by a large cohort of nurses who have already retired or will soon retire from the profession. Creating and maintaining an adequate cadre of nurses is critical for public health in our State.

"This scholarship program will not be a frivolous use of tax dollars. There will be stringent requirements on the students to maintain adequate progress in their educational program. Furthermore, once the scholarship recipients complete their

graduate education they will also be obligated to teach in the nursing field for a period of time equal to the number of years they received the scholarship. This is a fair exchange and I think it will be an excellent way to address our current crisis.

"The "Operation Nightingale" portion of the bill will assist nurses who are having difficulty passing the licensing examination. This struggle is another bottleneck in the flow of nurses into our health care facilities that can and should be addressed. I urge my colleagues to support this measure. Thank you."

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

"Thank you, Mr. Speaker. Likewise I have some written comments in strong support of our response to our current crisis in nursing shortage."

Representative Arakaki's written remarks are as follows:

"The purpose of this Act is to establish a program to attract baccalaureate prepared nurses into master's and doctoral programs that will prepare them for academic careers. Under the parameters of the scholarship program, scholarship grants may be provided to an eligible student who is a resident of this State upon confirmation from an approved educational institution that the student has been accepted for enrollment in an approved graduate course of study. The measure provides for repayment or partial or complete forgiveness of the scholarship grant for eligible individuals who satisfy the work requirement described.

"We believe that providing assistance to students is an important part of a multifaceted response to the nursing shortage. The bill provides an incentive and added opportunity for men and women of the state to enter a graduate nursing program which will give them the educational preparation to teach nurses. As noted in bill, Hawaii's registered nurse workforce is aging. By the year 2010 it is anticipated that the current nursing shortage will have extended beyond the capabilities of state nursing programs to address with current numbers faculty.

"This bill encourages baccalaureate prepared nurses to enter graduate programs by providing the financial security to allow them to decrease the amount of paid work they undertake while in the program. This will not only decrease financial worries, it will empower students to be successful. It is anticipated that this program will ultimately increase the number of graduates from nursing programs and, thus, improve the quality of health in this State.

"The School of Nursing and Dental Hygiene supported the intent of SB 116 SD 2, but requested that priority be given to fund the Board of Regents approved biennium budget requests related to nursing education. They feel that an important part of a multifaceted response to the nursing shortage is the support for additional faculty position at the University of Hawaii. Each semester the Department of Nursing turns away-qualified applicants to its baccalaureate nursing program. Over the 2003-2004 academic year 240 applications were denied admission to the program because of the financial constraints of hiring faculty because of the required faculty to student ratios for clinical courses (1:10) required by our accrediting body. In addition to providing scholarship grants to potential faculty, there is a definite need for funding for additional faculty in the University of Hawaii at Manoa's nursing program.

"Part two of the measure was added by your Committee on Health to re-institute the Operation Nightingale Project. The project will enhance the supply of qualified nurses by providing

educational and training classes to prepare those with nursing credentials from foreign countries, in order to pass the local or national exams."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 116, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1604) recommending that S.B. No. 1022, 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. 1022, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Fox and Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1605) recommending that S.B. No. 1745, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1745, 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. In strong support. I just want to thank the Finance Committee because many of the problems and concerns I had with this measure earlier have been fixed, I believe. So this will help the Manoa flood victims. Thank you."

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 SB 1745, SD 1, HD 1, Relating to Relief for Manoa Flood Victims.

"It had been raining steadily and heavily, almost 10 inches in 24 hours, with sudden bursts of heavy downpour such as 1.29 inches in 15 minutes. The Manoa infrastructure could not handle the sustained rain, and a confluence of factors led to blockages at several critical bridges and outflow points. The rising waters backed up at the Kahaloa Street bridge, under Lowrey Avenue, and at the Woodlawn Drive bridge. The waters overflowed bridges, flowing down streets, through parking lots, homes, Noelani and Mid-Pacific schools and then raged through the UH campus. Tons of water and mud swept away several cars and inundated homes, churches businesses and campus buildings.

"Mr. Speaker, since the frightening events of October 30, 2004 when Manoa was deluged by a 50-year flood, Senator Brian Taniguchi, Council Member Ann Kobayashi, and I have worked with federal, State and county agencies and met with residents whose homes and businesses were damaged by the flood. Since that fearful night, during which I spent time helping neighbors in some of the most severely impacted areas of the valley and also helping at the Manoa District Park emergency shelter, I have had several meetings with Senator Daniel Inouye, Senator Brian Taniguchi, Councilmember Ann Kobayashi and various federal, State and county agencies along

with various groups of neighbors from all over the valley concerning the multitude of flood issues.

"As you know, Mr. Speaker, the events of October 30th were so severe that a Presidential federal disaster was declared on February 1, 2005 for all Oahu flood damage resulting from the October 30, 2004 flooding. Unfortunately, the FEMA flood disaster funding only applies to public facilities (not individual homeowner) damage. That means that funding will be limited and applied to such problems as repairing Manoa's bridges, roads and other public infrastructure damaged by the flood, and to addressing the substantial damage sustained by the University of Hawaii. Although there will be a portion of FEMA monies for community mitigation efforts, there is no relief for the individual homeowner, property owner or business owner who sustained damage and large out-of-pocket costs. I am especially concerned about our elderly, fixed-income residents who did not have flood insurance due to the fact that they had long ago paid off their mortgagees. Who can help them?

"Therefore, Mr. Speaker, I am seeking ways to assist neighbors to find ways to cover losses resulting from the flooding. I am taking two approaches: one is short term, the other is long term and includes planning and remediation efforts for the entire Manoa watershed area.

"In the short term:

- The State Department of Taxation has announced that it will grant extensions to affected businesses and residents for late filing and payment of State taxes;
- The Small Business Administration's federal flood relief program for homeowners and small businesses set up a site office in Manoa for several months. There were nearly 50 applications by the December 4, 2004 deadline and over \$290,000 in loans had been approved;
- I continue to work with neighborhood groups to assess the impact of the flood, coordinate access to all available public resources, to advocate for coordinated action, and to keep residents informed;
- I have visited the families who live on the effected hillsides and along Manoa stream;
- I assisted Noelani School in its clean-up effort the morning after the flood;
- Senator Inouye and I inspected the devastation that occurred at the University of Hawaii;
- I am continuing to work with Senator Inouye on ways to bring federal funds to the various projects that will be needed to help mitigate future flooding; and
- In response to my severely impacted constituents, I introduced legislation to deal with the after-effects of the flood damage.

"The Senate version of one of these bills, SB 1745, SD 1, HD 1, Relating to Relief for Manoa Flood Victims, helps those private citizens who were victims of the October 30, 2004 flooding who may not otherwise receive any financial assistance.

"This legislation accomplishes the goal by doing the following:

- Provides a one-time only nonrefundable tax credit for loss of real or personal property by Manoa flood victims;
- Limits the tax credit to \$2,000 in the aggregate within 2 years;
- Excludes expenses reimbursed by insurance;
- Prohibits doubling credits for the same losses; and
- Bridges the gap for flood victims who could not qualify for disaster relief, and who incurred large out-of-pocket expenses for flood clean up and mitigation.

"Mr. Speaker, it is my hope that the Members of this Body will support this legislation. 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. 1745, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF FOR MANOA FLOOD VICTIMS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1606) recommending that S.B. No. 982, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 982, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm in opposition to this measure insofar as that it uses funds from the Hurricane Fund. Thank you."

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

"In support, with one reservation. And my reservation, Mr. Speaker, is the fact that we've never established hurricane impact zones which we need to do. And if we had hurricane impact zones, then it is a necessity to harden structures in those impact zones. And we use funds from the Hurricane Relief Fund to harden buildings, you not only save that building, you save all of the buildings around it from damage. And the more we do of that, the less we need of a special fund for hurricane relief.

"And the other thing that we need to do, if we ever had the guts enough, is to do impact zones for hurricanes. We could then make sure that the building codes in those various zones were strong enough to make sure that we had structures there that were hardened. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. It's just the principle. People who put the money into this Relief Fund feel very strongly that the corpus of that money should stay there for the next hurricane. And every year there are bills presented that want to take money out of there. It just seems to be a gigantic temptation.

"This bill will call for \$4 million over the biennium. And the purpose is to provide adequate hurricane shelter space by appropriating \$2 million from the Hawaii Hurricane Relief

Fund in each year of the fiscal biennium to retrofit public buildings with hurricane protective measures.

"I don't know what the experience of the Members has been, but I have been very close to the center of two hurricanes, Hurricane Iwa, where I was in my home in Kaneohe Bay and was in the room actually trying to nail down the header that was moving. The roof was ripped off of the bedroom, the middle room, and the garage while we were cooking dinner for my in-laws. We slept there at that house that night. That's the extent of the damage, and there was a lot of damage.

"In Hurricane Iniki, I was in Kauai. And our boat was anchored in Nawiliwili and we went to the convention center in Lihue where we sat out the hurricane and listened to all the wild goings-on there. The roof being ripped off. Only two people were killed in Iniki and they were unfortunate fishermen who had probably had a tremendous catch in their boat. They were trying to get back to Kauai and the boat sunk, and they were lost.

"But the arguments that we have to have this hurricane protection, many people were in elementary schools in Kauai. I talked to many people on Kauai that stayed in their homes for Iwa and they never wanted to go through that again. So there's no question we need safe places.

"But we saw what happened in East Asia. If people just got up on the third or fourth floor, that was a tidal wave, but those were concrete buildings with a lot of protection. My feeling is there is tremendous pressure wanting to use that money just because it's there. And if you can come up with an idea that sounds realistic and it's going to help people, let's spend it. I'm not for that. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. I have no opposition at all to providing more shelters for people. I think we desperately need to do that. My problem is with the method of funding here. As you've heard, it uses money from the Hurricane Relief Fund. It uses the actual money from the Fund, not the interest. The Hurricane Relief Fund for the last several years has paid \$6 million a year interest into the general fund. So the Hurricane Relief Fund is already providing \$6 million a year instead of it staying there and providing more corpus and more interest. So we have \$6 million a year over the biennium, that's \$12 million, and yet we're going to take \$2 million a year, or a total of \$4 million from the Fund itself.

"We already have that \$12 million in the general fund. Why don't we just appropriate money from the general fund. Then I would be happy with it and I think many other people would also."

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

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, the intent of this bill is to fund the retrofitting of our emergency public shelters. Currently there is a 124,000 emergency space shortfall. Mr. Speaker, this bill is the number one priority of the Office of Civil Defense. And it's necessary to protect the health and safety of our citizens.

"Mr. Speaker, as all of us know, in light of the recent devastating tsunami in the Indian Ocean and due to our isolated, geographical location, everyday we remain at risk to all types of natural or manmade disasters. The retrofitting of these emergency shelters will give our State's citizens peace of mind and a sense of safety if an emergency occurs. Although

some of you do not agree with the appropriating of funds from the Hurricane Relief Fund, it is apparent that any natural or manmade disasters would qualify as an emergency. And that follows the intent of the Relief Fund, which is to provide relief to victims of any unexpected disaster.

"The Office of Civil Defense along with the Department of Education have identified 32 facilities that are a priority and both Departments are in support of this bill. I urge all Members to support in favor."

Representative Herkes rose to respond, stating:

"Thank you, Mr. Speaker. I do not live in the hurricane zone. There is no impact where I live. I'm 30 miles inland, 4000 feet up in the air. No hurricane's going to hit me.

"I put money into the Hurricane Fund and I am just delighted to have it used to harden structures in impact zones."

Representative Moses rose, stating:

"Mr. Speaker, was the previous speaker speaking in opposition?"

The Chair responded, stating:

"He stood up the second time in support."

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:

"My opposition to this bill is that I believe that the funding source for this measure should derive from the general fund. Hawaii Hurricane Relief Fund is not intended for retrofitting of public shelters it should only be used for its intended purpose. In addition, the Executive Biennium CIP Budget request already includes appropriations for a shelter-retrofitting project."

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, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SHELTERS," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine and Thielen voting no.

At 11:43 o'clock a.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 1792, SD 1, HD 1; 819, SD 1, HD 1; 1697, SD 2, HD 1; 116, SD 2, HD 2; 1022, SD 1, HD 1; 1745, SD 1, HD 1; and 982, SD 2, HD 1, passed Third Reading.

At this time, the Chair stated:

"Members, at this time we will take a 45 minute recess and we'll reconvene at 12:30."

At 11:43 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:39 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1607) recommending

that S.B. No. 1394, 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. 1394, SD 2, HD 2, 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. 1608) recommending that S.B. No. 1729, 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. 1729, SD 2, 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. Report 1608. The purpose of this bill is to improve the management of the Hawaii Tourism Authority and to increase funding for tourism related programs.

"I think that the bill goes too far in that it empowers the Executive Director to provide for the appointment of officers, agents and employees while limiting the Governor's and Executive agency's oversight on the hiring of personnel to those hired with State general funds only.

"The people that work there are considered State employees. And there's some concern that a system being set up outside of the State personnel system at HTA is somewhat troublesome. And that what the bill appears to do.

"Another concern I have with the bill is that if passed in its present form, it will definitely adversely impact the Executive biennium budget. It increases the Transient Accommodation Tax from 32.6% to 35.4%, which reduces the percentage that goes to the general fund. In 2006, the general fund will get \$8 million less than it previously had. And in 2007, it will be \$12.5 million less. Over a 6-year period it amounts to about \$74.8 million and that's a lot of money that will no longer go to the general fund.

"So I realize it's still early and changes could be made. But I do think there are some problems with this bill that need to be addressed. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1729, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," 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. 1609) recommending that S.B. No. 682, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 682, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, thank you very much. I'd like to declare a potential conflict of interest. My family is in the retailing business," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. Mr. Speaker and colleagues, I rise to speak with deep reservations on Senate Bill 682, SD 2, HD 3, Relating to Tobacco.

"I fully support the intent of the bill which seeks to identify and register retailers who are selling cigarettes and tobacco products to provide criminal penalties for retail sales of those products without a valid tobacco permit and to stop illicit sales of cigarettes to minors. But my reservations to this bill comes from my educational background and my training in classroom management.

"One of the cardinal rules for maintaining a healthy learning environment is never to punish the entire class for the misbehavior of one or two students. And in my opinion, that is exactly what this bill does. It targets and financially penalizes the law abiding business owners because there may be other unscrupulous businesses that illegally sell cigarettes and tobacco products.

"This bill especially targets the small business owners and places an unfair burden on the legitimate retail industry. The measure also directs fees collected from the tobacco permit to help fund the John A. Burns School of Medicine, and the Children's Health Insurance Program of the Department of Human Services. However, it is certainly unclear where these monies will be deposited and how it would be expended by these entities.

"The Hawaii Food Industry Association explicitly hits it on the bull's eye and I quote, 'Why couldn't a simple registration fee of \$10 or even less, without annual renewal requirements be more than adequate for the notification of any changes in the business name, address or ownership? No new rules are required and the law is specific enough to enforce and find violators.'

"It was the Director of Budget and Finance who also opposed the deviation of the tax revenues for a specific purpose. And I quote, 'Rather than providing an automatic means of support, funds should be subject to the biennial appropriation process, subject to statewide priorities and availability of funds.'

"And even the Tax Director stated, 'The Department opposes this proposed House Draft 3, to the extent that the permit fee is set to generate revenues that will exceed the amounts required by the Department to administer the new retail tobacco permit requirement.'

"For these compelling reasons, I register deep reservations. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I would also like to declare a possible conflict. I'm an owner/operator of a retail store," and the Chair ruled, "no conflict."

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

"Also, I'd like to incorporate the words of the Representative from Kauai/Niihau as if they were my own. And like to state that my reservations are more to section 4 where the penalties are overly broad and go beyond the intent of the bill, which I support. I support the intent. Thank you."

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

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

Representative Chong 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:

"Thank you, Speaker, with reservations. This is yet another bill where we have an administrative procedure, in this case, obtaining a permit to sell a certain product, where failure to do so will not end up just financially penalizing the business owner, but rather criminalizing the act or the non-action. So, it is a great penalty for being caught without a permit.

"Mr. Speaker, the purpose, according to the Coalition that brought the law, the Coalition that brought this bill about, or the Attorney General, who testified, the purpose, they said, for this particular measure, is to make sure that we catch those guys on the bicycles riding around the neighborhood and selling cigarettes to the kids. And I said, 'How is this going to stop them?' These people will break the law. They will go and sell cigarettes, riding their bicycles, without a permit anyway. I want them to show the Legislature a single individual who gets caught because they didn't have a permit. This person will never intend to get a permit in order to sell to kids.

"What this bill does, Mr. Speaker, is actually to feed this addiction that we have on the tobacco money. We have committed our State because we now want this money. We are committed to support the tobacco industry, whether we like it or not. Whether we like to look at it this way or not. All these bills that we're passing in the Legislature, criminalizing actions that we previously did not criminalize all goes to one thing in order to make sure that there is a monopoly on the tobacco sellers. It is a deal that we have made. We are actually making them profitable, and if they are not profitable, then we cannot get our 'fix'; our money. We are now committed to this agreement.

"Mr. Speaker, all the objections that have been articulated so far, due to the words and the technicalities contained in this bill are valid. But more general, I do not fully support a bill such as this when we have another measure going through our Legislature that will tend to put people in jail because of a Class C felony. This will make felons out of businessmen and women in this particular case. And that Mr. Speaker, I do not support. Thank you."

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

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

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

"Thank you, Mr. Speaker. I rise in support of this measure. You know, we've seen this measure, I believe for the past ten

years. And there are reasons why this measure has gone through a number of debates over the past few years. And that is this.

"Well, first of all, Mr. Speaker, in answer to the Representative from Waipahu, I'd like to say that personally, I'd hope for the day that we can, as legislators, both at the state level, and also the national level, to consider banning cigarettes and cigarette products totally.

"My reason for supporting this measure has nothing to do with the massive tobacco settlement between the tobacco companies and the State of Hawaii. But it has to do with educating merchants and making merchants aware of what is the law and what they should be doing.

"Before coming to the Legislature, I worked in the Department of Health in the tobacco prevention and education project. And one of the biggest difficulties we had, Mr. Speaker, during that time, and we still face today, is identifying, be able to identify the merchants who are selling tobacco products. Unlike the challenges that we don't have with the merchants that sell liquor. So this particular measure tries to address that issue. And the issue is simply a mechanism to identify retailers who are selling tobacco products because there are significant laws on the books now and significant laws that we may pass in the future that merchants need to be aware of.

"In the past, the Department of Health, working with the Department of the Attorney General, have both educated merchants by way of the Liquor Commissions through the various counties. That is not sufficient because we have retailers and merchants who do not sell liquor, who are selling tobacco products, who are unaware of some of the laws that we have passed and we may pass. So this measure, Mr. Speaker and Members, is a measure to address the lack of a process in which we, and State government can identify and communicate with the merchants selling tobacco products.

"In addition, Mr. Speaker, I said this on the Floor earlier this Session. One of the good things that I see in this bill is the support for the School of Medicine. We have a very big crisis coming in the future and that is the un-funding of the School of Medicine to the tune of \$7.7 million per year. In the past we looked at possibly increasing the cigarette tax and some of the increase of that tax going to the School of Medicine. I think this bill again, tries to, attempts to, address that problem by redirecting some of the revenues from tobacco products to our School of Medicine. Without these types of measures, I'm afraid we're going to have a very difficult situation. I'm afraid that the School of Medicine is going to have a very difficult future. For those reasons, Mr. Speaker, I encourage our members to support it.

"Mr. Speaker, one last request. May I insert a letter I received from the President of the University of Hawaii as it relates to the School of Medicine?" and the Chair "so ordered."

Representative Takai submitted the following letter:

"March 7, 2005

The Honorable Mark Takai
Vice Speaker
House of Representative
Hawaii State Legislature
415 S. Beretania Street, Room 403
Honolulu, HI 96813

Dear Vice Speaker Takai:

Mahalo nui loa for your continuing support of the University of Hawaii, and your particular interest in various initiative now before the Legislature, including our biennium budget proposal, procurement legislation, a state scholarship fund, and of course the medical school.

Thank you in particular for your recent phone call informing me that the House Higher Education Committee has passed out the bill which would exempt UH from the state procurement process, returning us to the status quo which held until January 1 of this year.

I also appreciated our conversation on the workings of the scholarship fund. Should the fund be initialized with a one-time injection of funds, I think we both agree that those funds could be cycled from the fund to students as scholarships, then paid to the University as part of the student's tuition obligation, and then redeposited by the University in the fund for use in a subsequent scholarship round. However, were there a continuous, year-after-year stream of funding coming into the state scholarship fund (either from general funds or from past tuition payments), then the funds paid as scholarships to students and received by the University could be used to pay for the University's ongoing operating costs. No redeposit into the state scholarship fund would be necessary, since the next year's funding would be assured. Your idea of a \$3 million initial allocation of general funds for the state scholarship fund, rising to \$6 million in the second year, \$9 million in the third and \$12 million in the fourth is most interesting.

Finally, I do want to acknowledge that with regard to the funding of the operating costs of the research building and the education building of the John A. Burns School of Medicine at its new location in Kakaako, initial commitments made in 2001 at the time the construction of the new facility was approved – namely, that the University needed only the Legislature's approval for the \$150 million bond issue and could handle the operating costs on its own – have been shown with the passage of time, and the development of a huge surge in enrollment at Manoa (a surge which you correctly point out was encouraged by the past UH administration's policies), to have been overly optimistic.

While the medical school's research productivity is impressive, it is sufficient only to pay for the operating costs at the Kakaako research building, much as the Cancer Research Center pays for the operating costs of its facility in downtown Honolulu. Operating costs for the education building normally would be covered, as they are for all the other units physically located on the Manoa campus, from that campus' general fund allocation. However, while the Manoa leadership has reallocated substantial general funds in the direction of the medical school, the Manoa campus as a whole also has had to face an unforeseen 15% surge in enrollment in the past several years, a surge that has not been accompanied by significant additional general funds financing for the university. With tuition only covering about 30% of the cost of educating a student at Manoa, these enrollment increase pressures have made operating funds more scarce at Manoa. Hence our biennium budget request includes operating funds for the medical school's facilities in Kakaako, as well as for the enrollment surge of the last several years.

Again, I'm most grateful for your continuing support for the University and for our students. We're proud and pleased when one of our alumni stands up for UH in this way.

With best wishes,

David McClain
Interim President"

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

Thank you, Mr. Speaker, in strong support and I'd like to have the words of the Vice Speaker be incorporated as my own, with the exception of the employment with the Department of Health.

"Mr. Speaker, I just think that this is such a great example of what happens when the Administration and Legislature get together with the constituents, the advocates and those who are affected. It truly creates a win-win situation for everyone. And I believe as it went through the process, both in the Senate Committees and the House Committees, it improved. And I think this will achieve its objective of not only controlling the sale of tobacco cigarettes and tobacco products, but I think that many others will benefit from this measure as well, including the University of Hawaii School of Medicine, as well as the Children's Health Insurance Program.

"So, I hope everyone can see the good in this measure and support it. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, brief words of support, please. Thank you, Mr. Speaker. The reason I support this bill is I don't want to hurt small businesses at all. I think we need to extract the economic concerns that we have because it is going to be a small cost and we'll realize the large gains. And that is, if we are going to make strides in the near future to curtail the sales of cigarettes to our people, we're going to know who sells them. And we're going to need to know, specifically, who's selling them illegally.

"So, I would appreciate the support of my colleagues because I think that we're going to see in the next few years, a real need to communicate how we can take cigarettes out of the hands of all the people. And this is a really excellent measure to monitor the sales. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, I rise in support of the measure. First I'd like the words of the Representative from Aiea placed in the record as if they were my own. And I'd just like to say that the cost of cigarette smoking is so huge, and it causes so much suffering in the lives of others. I think anything we can do to decrease the use tobacco in our State, I'm for. 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 S.B. 682, S.D. 2, H.D. 3, Relating to Tobacco. I personally despise smoking and I am so encouraged that we are proactively taking

measures to ensure that cigarettes are not illegally sold. Smoking is a choice. Although we cannot legislate whether or person chooses to smoke or not, we can penalize those businesses that violate the law by selling cigarettes illegally to underage persons. This not only deprives the State of needed revenue, but also, and more importantly, increases the number of outlets for people to illegally purchase the substance that feeds their unhealthy dangerous habit. We must be vigilant in upholding our laws and guiding the healthy choices in our community. 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. 682, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1610) recommending that S.B. No. 1780, 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. 1780, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1611) recommending that S.B. No. 673, 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. 673, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1612) recommending that S.B. No. 617, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 617, 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, in support with a few comments. This sets up a special fund and you know that I'm not very fond of special funds, Mr. Speaker. It's a special fund to support the court interpreting services programs, educational services and activities. So, that is a good purpose but I believe that it should come out of the general fund if we need to give it to the courts. The Judiciary should ask for it in their request, and then we fund it out of the general fund.

"Okay, so a special fund is going to be established. I'm not sure that this fund will be self-sustaining and they may just be back here and ask for money anyway from the general fund. 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. 617, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETER SERVICES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1613) recommending that S.B. No. 1843, 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. 1843, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 51 ayes.

At 12:58 o'clock p.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 1394, SD 2, HD 2; 1729, SD 2, HD 2; 682, SD 2, HD 3; 1780, SD 2, HD 2; 673, SD 2, HD 2; 617, SD 1, HD 1; and 1843, SD 1, HD 2, passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1614) recommending that S.B. No. 1038, 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. 1038, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," passed Third Reading by a vote of 50 ayes, with Representative Hiraki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1615) recommending that S.B. No. 1592, 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. 1592, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Third Reading by a vote of 50 ayes, with Representative Hiraki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1616) recommending that S.B. No. 1721, 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. 1721, SD 2, 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'll be reluctantly voting no on this measure. It's a wonderful idea to have a cultural public park in the Kaka'ako area. However, perhaps this bill should have been a resolution. It's a little late in that the area by Fisherman's Wharf, next to Kewalo Basin, is going to be developed. The specifications have already gone out by the Hawaii Community Development Authority. Proposals have been accepted and may even have been opened by now. So, it's a little too late to change gears to have a cultural public market at this particular location.

"The Executive Director testified against this measure and said that if they come to a short list, and they could make recommendations for certain changes, they could certainly incorporate some of these ideas, in that they sound like wonderful ideas. Perhaps somewhere else in Kaka'ako, you can

devote ten acres with a public parking lot for such a development. However, it really should be up to the Board of Hawaii Community Development Authority, which has a requisite expertise to determine the best use of this valuable land in Kaka'ako.

"So, I would caution a go-slow approach and please consider changing this particular bill which is really a mandate, to a resolution. Thank you."

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

"Thank you, Mr. Speaker. Also with a very reluctant in opposition. I'm firmly in support of preserving culture, as well as promoting culture; our special Hawaii culture. However, if the plans for this market, if they're not viable and if it's not profitable, it doesn't do anyone a service. And people who are familiar, as what we may call front linesmen people; people who know what will be viable, should not be dictated to. Thank you."

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

"Thank you, Mr. Speaker. I stand in support of the same measure. Thank you, Mr. Speaker. In deference to the Representatives from District 19 and 27, I would just like to maybe say something about the background of this measure, Mr. Speaker. I am speaking in support, Mr. Speaker. This is a little different from the project that we have been discussing in the past, actually for the past 5 years, which is the Farmer's Market. But looking at the language of this measure, there are so many similarities, especially on page 2.

"There is a statement here about whether it's a local or public farmer's market, and it also states that we are doing this because of the fact that we did have a resolution, at one time, in the year 2000. A report was given in 2001, addressing the issue of whether there is some kind of economic feasibility here. When it comes to helping the economy of the State of Hawaii, there is. I have a copy here of the feasibility study to establish a Hawaii farmer's market.

"I would like to just mention, Mr. Speaker, that in 2001, when we received the study which was dated April 30th, in a nutshell, if I can just mention some of the information that we had in this study. One, this is a study specifically of Pike's Market in Seattle. And as far as annual retail sales in this market alone, and this is from the Development Authority of Seattle, every year, annually, in 1998, the income for retail sales at this market is \$56 million -- \$56 million, Mr. Speaker. And on a certain day, especially on weekends for instance, on one Saturday for instance, as far as people interacting in this market, there are about 40,100 people in just one day alone, and that's a Saturday. On the weekdays, about 27,000.

"One of the reasons why we have been pushing for this location for the last 4 years, as far as the site is concerned, it's also incorporated in this study about why Kaka'ako is really a very, very important location when it comes to the feasibility or the success of the farmer's market, or a public market for that matter.

"At one time I was thinking that when you talk about agricultural farming, or an event like this, maybe the County of Hawaii might be the appropriate place or location to establish a farmer's market or a public market. But based on this study, Oahu is perhaps the ideal location for the Hawaii world-class farmer market since Oahu has 75% of the State's population, and 46% of the total visitors in Hawaii are on Oahu. And this is also coming from this study, Mr. Speaker.

"In addition to that there are four criteria for an appropriate site. And one of them is a close proximity to an existing tourist attraction or an entertainment center accessible by foot, car and public transportation -- City bus or HandiVan -- and convenient and inexpensive parking spaces in a safe and clean neighborhood. This Kaka'ako location, Mr. Speaker, I believe very strongly, that this is going to address this criteria.

"Furthermore, the alternative sites that meet the criteria. Number one on the list, Mr. Speaker, is the Kaka'ako Waterfront area, and so because of the identification that this is the best location and the proximity of the activities, especially in entertainment. That very location and if I can just mention this, Mr. Speaker, for the edification of our colleagues here, those who have not been here since year 2001, that location is where Fisherman's Wharf is at this time and all the way to John Dominis. That's the waterfront location that we are looking for.

"In 2002, Mr. Speaker, before the end of his term, I went to see Governor Cayetano to see to it that we do have a farmer's market at the best location, which is at Kaka'ako."

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

Representative Abinsay continued, stating:

"Thank you, Mr. Speaker. Thank you, Representative. And for some reason or another he was not very, very supportive at that time. I tried to explain to him the reasoning, the justification. And for some reason, once again, he was not very receptive.

"But I was very, very happy when in 2003, we did introduce a bill, with the same purpose of having this market in Kaka'ako. We did pass a bill. And at that time I was very, very strong in my conviction that this market should be funded by the State. Well, we did have an informational briefing and even the USDA was willing to fund this, Mr. Speaker.

"But in 2003, we did pass a bill. We were able to have that but it's just too bad that the Governor vetoed it because the funding was only \$7,000. But in 2004, I was attending a conference in Waikiki, an Ag Conference, Mr. Speaker. And I was very pleased to hear from none other than the Governor -- our current Governor right now, that she did say that she is very supportive of a farmer's market in Kaka'ako. And I can assure you that this is going to be a public/private partnership. That's exactly in the language of the bill at this time. And because of this information, Mr. Speaker, I believe very strongly that indeed, when we have to find a location, when it comes to a public market, it's going to be in Kaka'ako.

"And the reason again, if I may just reiterate, is that raising the concerns from the Representative from District 19, it's not too late. It's not too late yet to make sure that this market is going to be built in Kaka'ako because we do have really, an RFP. I was informed for 4 years and have complied with this agreement that if possible, the fact that through the records of the HCDA, they feel that when we have to do some RFP for this area where we want the farmer's market and the other areas, we want make sure that we have to have the best yields in making sure that we have to have the money which is desired for the State. I agreed with that. So, they asked me not to mandate by way of introducing a bill.

"But this bill is from the Senate, Mr. Speaker, and I was actually very skeptical about whether I was going to support this bill or not. But the fact that there is so much interest now in this location, as far as development is concerned. I tried to look back ... and if it's still ... Am I still going to continue to

wait in making sure and let HCDA go through the process of RFP or maybe introduce a resolution, which is consistent with my commitment to let them know that yes, indeed, we should not mandate this.

"So I introduced a resolution. It's still alive, but we have this bill now. Because we have this bill now before us, Mr. Speaker, and the fact that this bill, the effective date is still 2010, meaning to say that we have to have further discussion.

"The concern about whether the RFP, because the issuance of the RFP, that we are going to be able to implement that. I'm not sure what the language of the RFP is at this time. But the fact that I was informed by none other than that Director, Director Dan Dinell, that there is so much interest now, as far as the development of the 36.5 acres in Kaka'ako, I am not sure whether this bill might be appropriately implemented if it's going to pass, when it comes to the decision wherein there may be about five or six bidders of this location. And that may be the time for us to look back and see whether this bill can be properly implemented when HCDA will continue to connect with these developers. So, that's the importance, I guess.

"If I can just say that we have to keep this bill alive. And the fact that we also have a resolution, I think that we are in good shape at this point.

"And that fact also, Mr. Speaker, if I may. When it comes to this study, we did already spend \$50,000 and there was another study by the Department and most likely they spent another \$50,000. So all in all, we have already spent maybe a total of \$100,000 and those studies are really telling us that indeed ..."

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

Representative Abinsay continued, stating:

"Thank you, Majority Leader. Thank you, Mr. Speaker. That indeed, a farmer's market is economically viable for the State and as your Chairman of the Agriculture Committee, Mr. Chairman, and being a member of the two other Committees, Economic Development, and also Tourism, I feel very strongly that there's some kind of connection of what we are doing here.

"When we talk about these farmers market, it's not only for local people. It's also for tourists. When tourists come to Hawaii, we want to make sure they will enjoy the 'Aloha Spirit' -- the aloha experience in that gathering place. And that's what we're trying to envision, Mr. Speaker. And there's also a waterfront as we discussed the importance of the ferry system, we are also envisioning to also hopefully in the future, to be able to use our ocean and then address the issue of traffic and the availability of parking. Those are things that we are envisioning in the future.

"But most importantly, the way I look on a personal level, Mr. Speaker, is this. Aside that this is very economically viable for this State of Hawaii, I feel very strongly that we are trying to pick up on a opportunity here -- for families especially. We know for a fact that this location, as we call it, the 'gathering place', we have already the Children's Center there. We have the parks. We have other activities to be developed. We have the others. We have Ward Center over there. So, this is one of the requirements for a successful farmer's market. This is the farmer's market that we are envisioning for families to enjoy the whole afternoon or morning or whole day because there will be entertainment. We are also promoting our cultures, Mr. Speaker, the various ethnic groups.

"So when you bring children and their parents together as each of them enjoy playing in the Children's Center and then

the parents to to the farmer's market, you are trying to create an opportunity for them to talk about life. Life about, maybe, family and then looking at the bigger picture about their future and that's something that I think we are not discussing, but I have that in my mind to help to create that atmosphere wherein the family will enjoy.

"So, because of these reasons, Mr. Speaker, truly we could have built this farmer's market somewhere else, I believe. Because, you know, when we started talking about farmer's market, how many farmer's markets now that we have stopped recently since then? We have one in Diamond Head, we have in Kailua, Mililani. I even contacted the Department as I need one also for Kalihi because I know it's going to also help my constituents in Kalihi.

"But all kidding aside, Mr. Speaker, and looking at the bigger picture, I am very convinced that a farmer's market or a public market for that matter is thoroughly going to help the economy of the State of Hawaii. So colleagues and Mr. Speaker, let this bill move forward as we go through the Conference and we will be very open.

"I recognize that there was a letter, Mr. Speaker, coming from the Office of the Attorney General about the affect of moving or mandating the creation a farmer's market in that location. We will be open to that, the position of the Attorney General's Office, but I think, based on my explanation, there might be some kind of compromise way and this can eventually be a win-win-win-win situation for this State of Hawaii. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I speak with some reservations in due deference to the Chairman of Agriculture who made a great plea for the passage of this bill. Mr. Speaker, my only concern, and I'm going to be passing it on to the Conferees of which I will not be a member of, that they look at whether it will take any space away from cargo.

"I believe that one of the biggest problems that we have here in the State of Hawaii at this point here, is saving the cargo space that we have. And because of the increasing growth that we have, continually increasing growth, cargo space is getting less and less. So the concern that I have is this potential farmer's market taking away valuable cargo space. And if it is, then hopefully the Conferees will look at and make a very fair decision as to what is best for the people of the State of Hawaii. Thank you very much."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker, in continuing, I guess, in reluctant, very reluctant opposition. I agree so much with the speaker from Kalihi. I've also shown, I guess, my efforts to promote culture. However, I'm still maintaining that when we start to mandate on what should be in certain projects, we're walking a very thin line.

"I also have a concern because here in the Committee Report it says, the Arts at Mark's Garage oppose this bill. So, there are those that are trying. There are many efforts going on. There are efforts in Chinatown who are working so hard to open that up as some sort of form of cultural venue. And I know that there are markets there, and I am very in much support of farmer's markets. Maybe there will be cacao there. And I visited Pike's Market in Washington State. But again, when developers and people have to look at these, when we're mandating this, I would much more fully support it as a

resolution. And I am concerned about its negative impact on Chinatown. Thank you."

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

"Thank you, Speaker, in opposition. The Representative from the Kalihi, the Chair of the Agriculture Committee mentioned the farmer's market in Diamond Head. That is basically a private sector initiative and very successful. My much earlier career was working with China. And China is making dramatic, dramatic steps forward as a nation, with the private, you know, encouraging the private sector.

"Decisions about where to locate stores and what kind of stores to have, I think the Legislature can provide guidance on something like that through a reso. But, I don't think it's going to work for the State to get in the business of actually dictating that private sector markets be created in certain locations, as opposed to some other location. That's really up for the marketplace itself to decide. If this is a good idea, it will fly with the people who are trying to develop that space. If it's not a good idea, we shouldn't be forcing it down somebody's throat. Thank you."

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

"Mr. Speaker, I rise in support of SCR 1616. Mr. Speaker, regarding the State cultural marketplace, there has been a study that shows that it's high-time that we take very deep concerted effort in such a consideration.

"My only regret, or should I say, my only hesitancy about the presentation of the Chairman of the Agriculture Committee is that we do not take an affirmative action that will support rigorously his comments for this much-needed cultural marketplace. And I urge all and I support this bill very strongly. 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. 1721, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Marumoto and Moses voting no, and Representative Hiraki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1617) recommending that S.B. No. 708, 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. 708, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Third Reading by a vote of 50 ayes, with Representative Hiraki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1618) recommending that S.B. No. 738, 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. 738, SD 1, 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 Hiraki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1619) recommending that S.B. No. 959, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 959, 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:

"Thank you, Mr. Speaker. I'm rising in support with strong reservations. This is the bill that is dealing with cable television and an appropriation of cable fees on the island of Maui. We had a lot of testimony. It was a very hot topic. The bill as it came out of the Finance Committee has been amended a number of times. But, what we've done now is we're not telling Akaku how to use their cable funds. We're simply going to appropriate money out of the Compliance Resolution Fund at DCCA to fund necessary improvements in infrastructure for telecommunication systems at the Department of Education. I don't think that's an appropriate kind of appropriation. I don't believe that that's what the Fund is set up to do. It collects the cable fees and that money goes to 'Olelo. Akaku is getting cable fees from cable subscribers on Maui. There are counterparts on the Big Island as well as Kauai.

"The big complaint that initiated this bill in the first place was that there was some talk about, there was an agreement that Akaku was supposed to share one-third of the cable fees with the Community College on Maui, and the other third with the Department of Education. But as it came out in the testimony in the Committees, there was never that agreement.

"The whole idea of the Take Access Organization, which is a non-profit, is to make sure that the public can be heard. This is was a mandate way back in the federal government when cable started. Nobody had ever before thought about cable coming into your house and kind of bringing a private kind of a television into your house, and anybody being able to speak on that. And there was a fear that some of the big newspaper people would glom onto this and we would just be getting continual propaganda in our house, and that's why the public portion was put in there; to make sure that people had the ability to be heard because television is such a powerful tool.

"I don't know that this is possible to take this money out of there. I'm very clear to my own mind that it's not appropriate because it's taking away now from funds that should go to 'Olelo. But we'll see what happens as this goes along. Thank you."

At 1:23 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:26 o'clock p.m.

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

"Mr. Speaker, I rise in support. This is nothing new to the Legislature. And just as a point of information, I don't know how many years ago, I think maybe 2 or 3 years ago, this Legislature passed a \$500,000 appropriation for something similar for I-Net, to improve infrastructure, telecommunication infrastructures at schools. This in part, went to the Waianae High School, I believe.

"Both the legislators from that area, as well as the Governor, did go ahead and push the project through and work together. In fact, it got a lot of media coverage because what it did is it provided those students access to multimedia systems in programming and it's just more than technology. It inspired and encouraged children for the bigger, broader point of education and I think this is the appropriate use of money, and something greatly needed. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition. This bill as presently constituted, will direct the use of Cable Television and Compliance Resolution Fund monies for infrastructure upgrades to telecommunication systems within the DOE. It is to my understanding, Mr. Speaker, that the Attorney General is already looking into whether these funds held by one Department, the Department of Commerce and Consumer Affairs, DCCA in this case, can legally be transferred to, or for the benefit of another Department, the DOE.

"Obviously, we do not have the AG's opinion today, but the possibility of such a transfer may not be legal, concerns me. I would nevertheless oppose this measure anyway because it is a legislative mandate regarding the use of the funds that should properly be left to experts in the field. Whether the funds should be used for the purpose or any other purpose, should be left up to the discretion of those appointed to do it. In other words, the cable television division of the DCCA. Not to us, Mr. Speaker.

"I submit that the Cable Television Division is in the best position to determine how these funds should be spent and what priority to placed on such projects. Planning and reviewing the State's cable television requirements and needs is a very complicated matter. This is obviously the reason why we have the Cable Television Division and its specialists to evaluate the State's needs. Mr. Speaker, we should oppose this measure because we are imposing our non-specialized judgment regarding the State's cable television's needs and usurping the authority of the DCCA.

"This is another 'hand-cuff' bill, Mr. Speaker, once again, taking away Executive powers and taking them over for the legislature. I want a separation of powers, Mr. Speaker. Who among us is willing to say that they are an expert in this field? I call on all my colleagues to oppose this measure. By voting in favor of it you will assume the risk of being held responsible for making your decision regarding a technical subject that none here are likely qualified to make.

"Mr. Speaker, I call on all of us. Please, let us stop trying to micromanage the entire Executive branch of government. And instead, concentrate our efforts on passing good common sense laws providing for the safety of our citizens and for their well being, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of S.B. 959 with the amendment made by HD 1. I think part of the confusion is, before the HD 1 amendment, that S.B. 959 provided for language that would give one-third of the public access funds that are collected through the subscribers of the cable television on Maui County, one-third to the DOE and MCC, one-third to public access, and the other third to government. Since then, this bill has been amended to provide funding for the infrastructure for the upgrades of the telecommunications of our I-Net.

"If you go on Maui County, the I-Net is located in Maui Community College, which provides for other State needs near the County building and other areas in the county of Maui. This infrastructure upgrade will allow for access to our public access television programs and government for better future telecommunications benefits.

"So, with that I'd just like to say that to my understanding, an agreement was made with Akaku and MCC, DOE at their last Board meeting and therefore our Finance Committee, which I appreciate, has taken the liberty of making this amendment to improve upon our infrastructure and telecommunications of the I-Net. 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. 959, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Finnegan, Moses and Pine voting no, and Representative Hiraki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1620) recommending that S.B. No. 813, 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. 813, SD 2, 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 have reservations on this. These pertain to Reed Act Funds. And they're to be used, but they're only supposed to be used for specified purposes that are spelled out in the Act that gave us these funds. I believe that we should use general funds. This is for Leeward Community College.

"I think that's a good idea again, but it should be general funds. We should not jeopardize our Reed Act Funds. I feel that the federal government may take back the funds if we misuse it. 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. 813, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 50 ayes, with Representative Hiraki being excused.

At 1:34 o'clock p.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 1038, SD 2, HD 1; 1592, SD 1, HD 2; 1721, SD 2, HD 2; 708, SD 2, HD 2; 738, SD 1, HD 1; 959, SD 2, HD 1; and 813, SD 2, HD 2, passed Third Reading.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1621) recommending that S.B. No. 1816, 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. 1816, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1622) recommending that S.B. No. 807, 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. 807, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1623) recommending that S.B. No. 1114, 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. 1114, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN ENERGY STORAGE SYSTEM TAX CREDIT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1624) recommending that S.B. No. 1081, 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. 1081, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POUHALA MARSH EDUCATION AND JOB TRAINING CENTER," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1625) recommending that S.B. No. 440, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 440, SD 1, 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. I'm standing in opposition to this bill. This is the campaign spending bill. My main concern is with the provision that states that you can only raise 30% of all your contributions from non-resident individuals. It isn't really clear about at what point in time, 30%. Is this at every campaign spending required? The time that you must file? Money that came in during that time has to be 30% of what came in that period? Are we talking about the whole period, before the primary election? Before the general election? And I just don't think it's proper to do that.

"I got some testimony from a lady who lives in Waianae. You know, she objected to this as well. The point she made is that, she was born here in Hawaii with Hawaiian parents, moved from the island when she was young and now she's come back and she's lucky enough to get a home in a Hawaiian Homes development. She said that more than 85% of her *ohana* live in other parts of this country, not in Hawaii. For my extended family, my aunts, uncles and cousins, there has been a migration to the mainland due to job opportunities and cost of living. It seems easier to move than to struggle to live here. By limiting the ability of my family members to contribute to the election process here in Hawaii, you are alienating their ability to be involved'.

"I think that a lot of people have family on the mainland and family that would certainly be the first ones who'd want to contribute to your campaign and assist your efforts. So, I think that that's a provision that needs to be looked at. Thank you."

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

"Thank you, Mr. Speaker, in opposition. I have a lot of concerns about this. Not just from the standpoint of the money. I don't think that I've ever gotten any kind of percentage of money like that from outside this State, so that doesn't concern me. What concerns me is that I think there may be a constitutional challenge to this measure. That it's infringing upon one's freedom of speech by saying I can't contribute to that person because it'll be over the limits or somebody else can't contribute to me.

"Now, large amounts, I can understand. We have a limit now at \$2,000 for our particular race; \$4,000 for others. I understand that. But as you start getting it smaller and smaller, I believe it starts infringing upon an individual's right to support the candidate of their choice. So I have great concerns there.

"Now, also note that the AG supported it with concerns. The League of Women Voters had concerns. The Senate had concerns. HGEA was opposed. The Pro-Democracy Initiative had some concerns. And there were some citizens with concerns. A lot of people, a lot different and varied groups that still had concerns of this measure. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in support of this measure but with some reservations. I too, would like to see family members be able to help in campaign. I personally use public funding and I'm one of the very few candidates in this House that has used public funding successfully in all of my campaigns. But the public funding does not limit family members from helping you. Presently, I think, they can give up to, something like \$50,000. I've never gotten that much because I don't spend nearly that much in my whole campaign. But my daughter, who lives in California, does help a great deal with the financing in my campaign. And so I would really like to see family members, immediately family members, at least, excluded. Thank you."

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

"Yes, thank you very much, Mr. Speaker, and Members. I wish to speak with strong reservations against this measure. I believe this measure takes away the power of the individual legislator, and passes it on the PACs. To reduce funding from the Legislature, to each individual legislator, from \$2,000 to \$250, I believe, is obscene.

"Members, the future of the individual legislator, I believe, is in dire trouble if a measure like this is passed. And it's not speaking against the PACs that we have, but the control in the future will be not in the individual legislator, but in the dollars they get from the PACs. The PACs will get stronger and stronger, and the individual legislator will be getting weaker as the years go by. And this is my prediction on a measure like this, Mr. Speaker and Members.

"I do hope that the Conferees look at this very carefully. I would prefer a bill like this just plain dies because I don't believe that will has any help to the individual legislator. We as individual legislators should be given the responsibility on ourselves and disclose to the public as to where and how we get the money. I think what we need is more public disclosure and not prohibitions on what we can get. Thank you very much, 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:

"Campaign reform in our State is absolutely necessary, but this measure does not support a balanced form of campaign spending. Political Action Committees will now have greater power in funding their candidates."

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

"Mr. Speaker, on the same measure in support. And I'd like to comment that the words of the Representative from Wailuku are very astute. Thank you."

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

"In support, and the same comments as the Representative from Maui."

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 Third Reading by a vote of 49 ayes to 2 noes, with Representatives Kahikina and Moses voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1626) recommending that S.B. No. 791, SD 2, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 791, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in opposition. Mr. Speaker, this Administration bill undoes what we passed last year in regards to clean and sober homes in our Drug Omnibus Bill.

"When the Joint House and Senate Taskforce on Ice Abatement held public hearings across the State, we heard from drug treatment specialists that the limit of five unrelated persons, and red tape in establishing clean and sober homes, contributed to the lack of transitional housing for those fighting addiction.

"As a result, the Drug Omnibus Bill changed the limit to ten unrelated persons, and streamlined the permitting process for establishing clean and sober homes by giving the Department of Health the authority to license non-profits managing them.

"At the same time, the bill required that the Department of Health to hold a public informational meeting in the affected community prior to establishing the clean and sober home. Instead of going forward with this positive change in the battle against ice, this bill takes a step backward by repealing the changes found in Section 22, of last year's H.B. 2003.

"The Hawaii Disability Rights Center, Oxford House, and drug treatment specialists oppose this bill. Let's give this legislation we worked so hard for, which is less than a year old, a chance to work. Thank you."

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

"Thank you, Mr. Speaker, in support and if I can just explain the rationale for this measure. Although we had every good intention with the bill that we passed last year, H.B. 2003, which allowed for the expansion of more people to be accommodated in so called, 'clean and sober homes'. What we didn't realize is that we created a conflict between some county regulations and some State regulations.

"In addition to that, you know, the statutes do define half-way houses as a group living facility for people who are receiving substance abuse or sex-offender treatment and are housed to participate in programs to help them to readjust to living in the community.

"On the other hand, clean and sober homes do not provide rehabilitative or therapeutic care and, or services. They do provide housing for persons recovering from substance abuse. As such, clean and sober homes do not require oversight by the department and should be under the purview of the counties. So this is what the bill does. It returns the purview of clean and sober homes, so basically residential homes, but they don't have any programs in them. And it's right for the counties to regulate them.

"The problem that we have now is because we passed up the bill last year, and we sort of established a precedent and allowed clean and sober homes to have more residents than what the current regulations allowed. We're going to have to look for a way, or negotiate with the counties to perhaps allow the ones who already did, transition to more residents and maybe have a transition period, or grandfather these homes until the adjustments can be made. But clearly, the statutes sustain what the Department of Health is saying, which is that clean and sober homes do not come under their purview. So, hopefully we can remedy this situation and change it in Conference. 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. 791, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Kahikina and Shimabukuro voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1627) recommending that S.B. No. 486, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 486, 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:

"Mr. Speaker, I'm rising in support with some reservations. This bill would appropriate funds to establish safe, structured learning environments and programs for youth during nonschool-hour programs. It funds these programs partly with general funds and partly with TANF money. TANF money is federal funds and has to be used in a certain way for a specific group of people. And if it's used in other ways it could jeopardize all of the TANF funds.

"So, if it's going to be done at school, there are some children that would qualify because of their family's low-income. But there are others that wouldn't. And if it would be to all the children this would be available to everyone, this might jeopardize those funds. So those are my concerns. Thank you."

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

"Thank you, Mr. Speaker. I did want to rise in support with just slight reservations. I think I wanted to take the opportunity to thank the Chair of Human Services, who really worked on this bill and took into consideration that with TANF spending, DHS is the only State agency to expend TANF Funds. And he did a pretty good job with it.

"I still need to see that we are clear of not losing any TANF funds. And this, I must say, is a better way to go. I think earlier we were trying to do a grant-in-aid process kind of thing in regards to the TANF funds, and here we are directing or giving suggestions as to how to spend the money. I guess my reservations on this would just be that we take a look at all the TANF spending. There are some priorities, some federal mandates, that we need to use that money for and that we make sure that those things are taken care of and that all of the percentages and all the different bills that use up TANF funds. That we still be able to take care of some of the other priorities. Thank you."

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

"Thank you, Mr. Speaker, in strong support and this is a measure that has been a priority of the Keiki Caucus for several years now, especially my colleague, Senator Suzanne Chun Oakland. I just want to mention that there is already a precedent for using TANF funds. And in fact, we had questioned Director Koller about her use of TANF funds to fund culture and arts programs. And the way she justified it is that these programs were meant to come under the purview of teen pregnancy prevention.

"She also felt that after-school programs or nonschool-hour programs could also come under the same purview. So, I'm afraid if we start to question the funding in here, than we're also questioning the previous expenditures that were already made for some culture and arts programs. So I'm hoping we'll support this and perhaps the audit that will occur will clear up some of the questions about the spending of TANF funds. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support with some reservations. Again, it was already said that we just need to make sure that we're spending the TANF funds as the federal laws allows. But I also have a concern that we keep using TANF funds for so many things this Session, that we won't have and TANF funds left. And we have to make sure we use it for the purposes that it was designated for; to really help the needy and the poor and not spend it on everything that comes by. 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. 486, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Third Reading by a vote of 51 ayes.

At 1:51 o'clock p.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 1816, SD 2, HD 2; 807, SD 1, HD 1; 1114, SD 1, HD 1; 1081, SD 2, HD 1; 440, SD 1, HD 1; 791, SD 2, HD 2; and 486, SD 2, HD 1, passed Third Reading.

At this time, the Chair announced:

"Members, at this time, we will call for a 20 minute recess so that both Caucuses can go over the proposed floor amendments on page 12. Is that fair for everyone? I believe the floor amendments are on your desks and both Caucuses should go over it. We will reconvene at 2:10 p.m."

At 1:51 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:16 o'clock p.m. with the Vice Speaker Takai presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1628) recommending that S.B. No. 1620, SD 2, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1620, SD 2, 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, or Vice Speaker. I have some concerns about 1620, S.D. 2, H.D. 2. I'm in support but I have these reservations because this again is a raid on the Rainy Day Fund and, you know, right now Hawaii is in a good period economically so we should be able to pay for this out of the general fund and not have to always raid the Rainy Day Fund.

"Also, I have some concerns with some of the sections in this measure. It's quite long, but like Section 27, it's DHS, you know, using PACE Funds for some of the things their doing and they've already requested federal funds so again, there's a way for us not to use all the money that's used in this measure but we should always use it from the general fund. Thank you."

Representative Schatz rose to a point of order, stating:

"Mr. Speaker, I rise on a point of order. I just have a parliamentary inquiry. Is it appropriate to refer to you as Mr. Vice Speaker or Mr. Speaker? And perhaps we could call a recess to find a ruling on this?"

At 2:18 o'clock p.m., Representative Schatz requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:18 o'clock p.m.

At this time, the Chair stated:

"In answer to Representative Schatz's inquiry, we checked with the Chief Attorney and he said that whoever stands in this position is referred to as either 'Madame Speaker' or 'Mr. Speaker'. Thank you."

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

"Thank you, Mr. Speaker. Mr. Speaker, I would like to stand in strong support of this measure. As the previous speaker had said, you know, our economy is booming. We're doing very well, we have a very robust and growing economy. But on another bill as I pointed out, people are still suffering. We have a growing number of homelessness. We have people who are starving. You know, we're collecting food for the Foodbank right now and they're finding out that the pantries are emptying

out quicker than at any time that we started collecting food for our Foodbank.

"We talk about prescription drugs and we know that seniors are sometimes taking half, if any, of the recommended dosages. The number of people who are uninsured is growing. So, you have to ask, why? Why, in an economy that's almost full employment that show increased tax revenues, why this is happening? It's tied to the cost of living because people are forced to make choices whether they are going to pay rent or whether they're going to get food. Whether they're going to take prescription medication or whether they're going to buy food. These are difficult choices.

"We had the luxury of many agencies and programs that provide support to our needy. But we have to also realize is because the economy wasn't doing too well in the past 12 years, we've actually cut these programs, maybe a little at a time, maybe 10% at a time, every year. This has created a crisis for a lot of these support agencies. The larger agencies can fend for themselves. They can manage. They can adjust. But you'll find that a lot of the smaller programs, specialized programs, are starting to disappear because they can no longer support themselves through donations or government funds that we provide.

"So, I think we need to be prepared and we need to support these agencies, especially now that our revenues are up. And as far as the Rainy Day Fund, we'll never know when that 'rainy day' comes, but I think that for the people who are suffering, it's a 'rainy day' today. So, I hope we can support this. We don't know what programs are going to be funded, but we'd like to keep this bill alive for Conference. Thank you."

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

"Thank you, Mr. Speaker, with just slight reservations and my reservations come from the where the appropriations are coming from and not the actual appropriations that are supporting those agencies. I do support those agencies. Thank you."

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:

"In support with reservations. This measure is fundamentally flawed because it depends on financing derived from the mismanagement and raiding of special funds. The *Government Performance Project*, is the nation's only source for comprehensive and independent information about state management performance. It is funded by a grant from the Pew Charitable Trusts. In its 2005 findings, Hawaii scored a C. The study cited the State's yearly raids of the 'rainy day' fund, as one of Hawaii government's biggest problems.

"Specifically this study described Hawaii's fiscal management style as one of "smoke and mirrors," citing the State's rainy day fund as a perfect example. According to the study:

"[the rainy day fund] was created in 1999, with a contribution of \$5.8 million. The fund quickly grew to \$50 million, and the state's commitment was to continue adding another \$10 million every year. Hawaii has done just that. It also withdraws \$10 million a year, leaving it stuck in the sand at the \$50 million figure, too little to be of much help in a serious fiscal crisis." This is a scathing indictment, and typical of how this body often funds and expands programs—

programs that are simply beyond our states budgetary means. It is a simple practice of robbing Peter to pay Paul—and it needs to stop.

"The study went on to criticize the way in which budgetary decisions are made. "In reality, the use of serious information to actually manage or budget in Hawaii is about as rare as a blizzard in Honolulu. Hawaii has no statewide strategic plan, and although some agencies do a certain level of planning, the measures produced to track performance can be inconsistent and less than meaningful... Moreover, the State Auditor's Office has been doing performance audits since 1965. That's good. But last year, it did only three of them. And although the Legislature pays some attention, the agencies seem rather resistant to this source of advice." This study's findings should have been a wake-up call for this body. Unfortunately, we seem either unwilling or unable to break ourselves of the bad habit of raiding special funds to pay for social programs.

"Mr. Speaker, I want it to be clear that I am not opposed to the goals and purposes of the social programs supported by this measure. What I am opposed to is the poor fiscal management practices embodied in this bill."

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

"Mr. Speaker, I rise with reservations. I believe that these services are so important, Mr. Speaker, that we should not fund it out of the Rainy Day Fund. I think it's insulting to these organizations that continue to come to the Legislature to beg for help. I believe we should take a strong stand and fund these programs out of the general fund. Thank you."

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

"Thank you, Mr. Speaker. I rise in support with reservations and I also believe that these should come out of the general funds. Thank you."

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

"Mr. Speaker, I stand in strong support of Stand. Com. Report 1628. Thank you. You know, I'm getting kind of tired of hearing all the time from the other side of the aisle about, 'Don't take it out of this fund. Take it out of the general fund'. The only way we're going to take it out of the general fund is to raise the taxes and nobody wants to do that. Thank you."

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

"Mr. Speaker, a ruling on a potential conflict. My wife is on the Queen's Board, and Queen's is covered in this bill, as is one of my law partners in our law firm," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1620, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1629) recommending that S.B. No. 1877, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1877, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to disclose a potential conflict. My daughter is the new Director of the Office of Planning," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. The Department of Land and Natural Resources has direct control over about half the land in the State of Hawaii, as well as jurisdiction over the ocean. It's the most important resource that the State possesses under its direct control. And it makes an awful lot of sense for the Office of State Planning to be working directly with the Department of Land and Natural Resources.

"There's nothing under current arrangements that precludes the Office of Planning from working with DBEDT, although there's no compelling reason that I can identify, and I worked in DBEDT for several years, why the Office of Planning should be connected to DBEDT. The Department was once called the Department of Planning and Economic Development, but that purpose of DBEDT went by the boards during the Waihee Administration. They cleared up that DBEDT was really about helping business and the growth of the economy. The conservation and preservation arm of the government is the Department of Land and Natural Resources, and that's where the Office of Planning belongs. This bill is a mistake. Thank you."

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

"I stand in support, Mr. Speaker but with some reservations because it seems to me that the Office of Planning ought to be more than just economic development. It should be planning for the long-term growth, and the stability and sustainability of our economy. And maybe we're growing too fast. Maybe that's our problem, we don't know.

"The Office of Planning should really be an independent office, but if not, I agree that it ought to be considered being put back into the Department of Land and Natural Resources. I don't understand why this is being done. Thank you."

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

"Thank you, Mr. Speaker, in opposition. Now, Mr. Speaker, we're making some changes again. I don't know if this is to take power away again or micromanage, whatever it is, it just doesn't make any sense. It says that it's to clarify and yet I think it just muddies the water. It complicates things, makes them much worse.

"The Office of Planning and the Land Use Commission are administratively attached to DBEDT. They get their support that way. DBEDT serves also as the link to the Governor and the Legislature, to both of us. And they provide guidance to the Office of Planning. That's guidance, not direction. The Land Use Commission makes its decisions completely independently. DBEDT has no jurisdiction over the policy decisions made by the Commission.

"As the previous speaker mentioned, they have to make decisions that don't have to do with just tourism or economics of this State. But actually, what are we doing with our land for the future. I believe it's detrimental to the improved

cooperation and coordination between the Office of Planning, DNLR and other State departments to make this change. 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. My colleague from Kapolei questioned whether this was somehow taking power from the Executive branch. There is really no question that, that is what it does.

"On page 3 of the bill, the new language reads that, 'The Department of Business, Economic Development, and Tourism shall have sole jurisdiction over the Land Use Commission under Chapter 205, State Planning under 225M, and the Hawaii State Planning Act under Chapter 226. Due to the inherently interdependent functions of development, planning and land use, these functions shall not be transferred by Executive order, directive or memorandum, to any other department, nor should these functions be subject to review or approval by any other department.'

"So it's very specific what this bill is trying to do. They, I guess, don't want the Office of Planning to have anything to do with DNLR or any other Executive department. And I don't think that's in the best interest to the people of the State of Hawaii. Thank you."

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

"Thank you, Mr. Speaker, in support. This bill is a bill to assure conformance with our State Constitution. Article V, Section 6 is very specific and please permit me to read it. Section 6 says: "All executive and administrative offices, departments and instrumentalities of state government and their respective powers and duties shall allocated by law ..." Not by Executive order as has been attempted. "... allocated by law among and within not more than twenty principal departments in such a manner as to group the same according to common purposes and related functions."

"Now one may be persuaded to believe that the placement of the Office of Planning should be with the Department of Land and Natural Resources because DNLR covers water, land and ocean. But when we examine Chapter 226, which is the State Planning Act, we see in that, that there are 21 specific State planning functions. Of the 21, it is interesting to note that only 4 apply to DNLR. The remaining 17 are totally unrelated to DNLR. So when we look at the functions and the responsibilities of the Office of Planning, it really should be where it is. Now if anyone feels differently, then there should be a bill to amend the statute, because we are obligated to follow the Constitution which states that the structure of State government should determined by law. Thank you."

Representative Berg rose in support of the measure and asked that the remarks of Representative Kanoho 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 S.B. No. 1877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Halford, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and Representative Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1630) recommending

that S.B. No. 1876, 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. 1876, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1631) recommending that S.B. No. 802, 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. 802, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1632) recommending that S.B. No. 179, SD 3, 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. 179, SD 3, HD 2 pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Pine offered Floor Amendment No. 3, amending S.B. No. 179, SD 3, HD 2, as follows:

SECTION 1. Senate Bill No. 179, Senate Draft 3, House Draft 2, is amended by deleting its contents and replacing them with the following:

"PART I.

SECTION 1. The legislature finds that the urgency of the affordable housing shortage situation in Hawaii requires immediate state action. A 2003 housing policy study indicated that there is a need for affordable housing units over the next five years. However, Hawaii's lower and moderate income families are experiencing difficulties in entering the housing market with housing prices at an all time high.

The purpose of this part is to encourage the development of affordable rental housing units by streamlining the review and approval of affordable housing projects and providing financing incentives.

SECTION 2. Chapter 201G, Hawaii Revised Statutes, is amended by adding to part II a new subpart to be appropriately designated and to read as follows:

" . REVOLVING FUNDS EXEMPT FROM LAPSE AND TRANSFER

§201G- Revolving funds exempt from lapse and transfer. Notwithstanding any other provision of law, no moneys from the revolving funds administered by the corporation under subparts B, G, and H or sections 201G-45, 201G-142, and 201G-153 shall be lapsed or transferred to the general fund, except as determined by the corporation to be necessary to further the purposes of the revolving fund."

SECTION 3. Chapter 201G, Hawaii Revised Statutes, is amended by adding to part III a new subpart to be appropriately designated and to read as follows:

" . REVOLVING FUNDS EXEMPT FROM LAPSE AND TRANSFER

§201G- Revolving funds exempt from lapse and transfer. Notwithstanding any other provision of law, no moneys from the revolving funds administered by the corporation under subparts A, C, O, and Q or sections 201G-170, 201G-170.5, 201G-223, 201G-411, and 201G-432 shall be lapsed or transferred to the general fund, except as determined by the corporation to be necessary to further the purposes of the revolving fund."

SECTION 4. Chapter 237, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§237- Affordable housing development exemption. (a) There shall be an exemption from the taxes imposed by this chapter for the development of affordable housing. The housing and community development corporation of Hawaii may certify for exemption any qualified person involved with the planning, design, financing, or construction of affordable housing units developed by a private developer; provided that in the case of projects involving the development of market-price as well as affordable housing units, the exemption under this section shall apply exclusively to the units developed as affordable housing units as defined in subsection (e).

(b) All claims for exemption shall be filed with and certified by the housing and community development corporation of Hawaii and forwarded to the department of taxation. The housing and community development corporation of Hawaii shall not be considered a governmental contracting party when it approves any claim for exemption for the purposes of section 104-2.

(c) The exemption shall apply to all amounts received by any certified person for the planning, design, financing, or construction in the State of affordable housing units as described in subsection (a), and on which actual construction has started between July 1, 2005, and June 30, 2007, and which is completed by June 30, 2009, as verified by the housing and community development corporation of Hawaii; provided that the exemption shall not be applied until verification by the housing and community development corporation of Hawaii has been completed; and provided further that if the developer is delayed or hindered from completing the project by reason of floods, earthquakes, or other acts of nature, strikes, lockouts, inability to procure materials, failure of power, riots, insurrection, war, civil or criminal proceedings, injunctions, writs, appeals, stays, or other reason of a like nature, which is not the fault of or capable of being prevented by the developer, then the December 31, 2007 completion deadline may be extended for a period equivalent to the period of the delay. In the event of a delay, the developer shall be required to submit verification of the date of commencement as well as the date of cessation of any of the delaying events, to the housing and community development corporation of Hawaii for verification.

(d) The exemption shall apply only to projects containing the first two thousand five hundred affordable housing units which are certified and completed by December 31, 2007. The amount of the exemption shall not exceed \$ _____ per affordable housing unit.

(e) For the purposes of this section:

"Actual construction" means construction of residential improvements, as well as grubbing, grading, or leveling of the land, construction of roads, installation of utilities, or otherwise preparing undeveloped land for the construction of improvements. "Actual construction" does not mean and shall exclude project planning, design, or obtaining necessary permits for construction.

"Affordable housing units" means housing units which are sold or rented at rates affordable to households earning up to one hundred forty per cent of the area median income as determined by the United States Department of Housing and Urban Development, and which meet the following unit size specifications:

- (1) Not less than 400 square feet for a studio unit;
- (2) Not less than 600 square feet for a one-bedroom unit; and
- (3) Not less than 800 square feet for a two-bedroom unit.

(f) The provisions of this section shall apply to property subject to chapter 238.

§237- Taxes paid on the rental of residential rental dwellings other than transient accommodations; disposition. (a) Twenty-five per cent of all taxes paid under this chapter for the rental of residential rental dwellings other than transient accommodations shall be deposited into the rental housing trust fund under section 201G-432.

(b) The department shall adopt rules in accordance to chapter 91 and create forms necessary to effectuate this section.

For the purposes of this section, "residential rental dwellings other than transient accommodations" means the furnishing of a room, apartment, suite, house, or similar dwelling that is customarily occupied by a tenant for more than one hundred eighty consecutive days for each letting by a homeowner, hotel, apartment hotel, motel, condominium property regime or apartment as defined in chapter 514A, cooperative apartment, or rooming house that provides living quarters, or sleeping accommodations, or other place in which lodgings are regularly furnished to tenants for consideration."

SECTION 5. Section 201G-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created a board consisting of nine members, of whom six shall be public members appointed by the governor as provided in section 26-34. Public members shall be appointed from each of the counties of Honolulu, Hawaii, Maui, and Kauai. [One public member shall be the chairperson of the rental housing trust fund advisory commission.] One member shall be a person appointed from a list of nominees submitted by the continuum of care systems of each county. Each county continuum of care system shall submit three nominees. For purposes of this section, "continuum of care system" shall have the same meaning that it does in title 24 Code of Federal Regulations section 586.5. At least one public member shall be a person who is directly assisted by the corporation under the federal low-rent public housing or federal section 8 tenant-based housing assistance payments program while serving on the board. The public members of the board shall serve four-year staggered terms; provided that the initial appointments shall be as follows: two members to be appointed for four years; two members to be appointed for three years; and one member to be appointed for two years. [The chairperson of the rental housing trust fund advisory commission shall serve a concurrent term on the board.] The director of business, economic development, and tourism and

the director of human services, or their designated representatives, and a representative of the governor's office, shall be ex officio voting members. The corporation shall be headed by the board."

SECTION 6. Section 201G-44, Hawaii Revised Statutes, is amended to read as follows:

"§201G-44 Administration of state low income housing projects and programs. (a) The corporation may construct, develop, and administer property or housing for the purpose of state ~~{low-income}~~ low-income housing projects and programs.

(b) The corporation shall complete all repairs and renovations to vacant low-income housing units in the State necessary to ensure that the units are sanitary, habitable, and available for rent by December 31, 2008. Twenty-five per cent of all vacant units shall be repaired and ready for occupancy by December 31, 2006; fifty per cent shall be completed by December 31, 2007; and the balance shall be completed by December 31, 2008.

(c) The corporation shall apply for federal funds through capital fund program grants administered by the United States Department of Housing and Urban Development and may issue bonds in accordance with part III to complete the repairs to the vacant low income housing units as required by subsection (b).

(d) The corporation shall construct new low-income housing units in the State to be available for rent by December 31, 2008. Twenty-five per cent of the units shall be completed and ready for occupancy by December 31, 2006; fifty per cent by December 31, 2007; and the balance shall be completed by December 31, 2008.

(e) The corporation may issue bonds in accordance with part III to complete construction of low-income housing units as required by subsection (c).

~~{(b)}~~ (f) The corporation shall adopt necessary rules in accordance with chapter 91 including the establishment and collection of reasonable fees for administering the projects or programs and to carry out any state program under {subsection} (a)."

SECTION 7. Section 201G-118, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The corporation may develop, on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects which shall be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of units thereon; provided that:

- (1) The corporation finds the project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;
- (2) The development of the proposed project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or the various boards of water supply authorized under chapter 54; and
- (3) The legislative body of the county in which the project is to be situated shall have approved the project.

(A) The legislative body shall approve or disapprove the project by resolution within forty-five days after the

corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the legislative body;

(B) No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing, approving, or disapproving the plans and specifications; and

(C) The final plans and specifications for the project shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the zoning, building, construction, and subdivision standards for that project. If the project comprises a land area of fifty acres or less, the final plans and specifications for the project shall constitute the land use classification for the project. For purposes of sections 501-85 and 502-17, the executive director of the corporation, or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar~~;~~ and

~~(4) The land use commission shall approve or disapprove a boundary change within forty five days after the corporation has submitted a petition to the commission as provided in section 205-4. If on the forty-sixth day the petition is not disapproved, it shall be deemed approved by the commission."~~

SECTION 8. Section 201G-121, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In any county, the corporation may develop or may enter into agreements for housing projects with an eligible developer if in the corporation's reasonable judgment a project ~~{is primarily designed for lower income housing.}~~ provides per cent of lower income housing units. The agreement may provide for the housing to be placed under the control of the corporation, or to be sold by the corporation, or to be sold to the corporation as soon as the units are completed and shall contain terms, conditions, and covenants as the corporation, by rules, deems appropriate. Every agreement shall provide for the developer to furnish a performance bond~~;~~ in favor of the corporation, assuring the timely and complete performance of the housing project. Sureties on the bond must be satisfactory to the corporation."

SECTION 9. Section 201G-411, Hawaii Revised Statutes, is amended to read as follows:

"§201G-411 Dwelling unit revolving fund. There is created a dwelling unit revolving fund. The funds appropriated for the purpose of the dwelling unit revolving fund and all moneys received or collected by the corporation for the purpose of the revolving fund shall be deposited in the revolving fund. The proceeds in the revolving fund shall be used to reimburse the general fund to pay the interest on general obligation bonds issued for the purposes of the revolving fund, for the necessary expenses in administering subpart F, part II, and for carrying out the purposes of subpart F, part II, including but not limited to the expansion of community facilities constructed in conjunction with housing projects, permanent financing, and supplementing building costs, federal guarantees required for operational losses, and all things required by any federal

agency in the construction and receipt of federal funds for housing projects."

SECTION 10. Section 201G-432, Hawaii Revised Statutes, is amended to read as follows:

"**§201G-432 Rental housing trust fund.** (a) There is hereby established a rental housing trust fund to be placed within the corporation.

(b) An amount from the fund, to be set by the corporation and authorized by the legislature, may be used for administrative expenses incurred by the corporation in administering the fund; however, fund moneys may not be used to finance day-to-day administrative expenses of projects allotted fund moneys.

(c) The following may be deposited into the fund: appropriations made by the legislature, revenues from the rental of residential rental dwellings other than transient accommodations as provided in section 237-, private contributions, repayment of loans, interest, other returns, and moneys from other sources.

(d) The fund shall be used to provide loans or grants for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of rental housing units. Permitted uses of the fund may include but are not limited to planning, design, land acquisition, costs of options, agreements of sale, downpayments, equity financing, capacity building of nonprofit housing developers, or other housing development services or activities as provided in rules adopted by the corporation pursuant to chapter 91. The rules may provide for a means of recapturing loans or grants made from the fund if a rental housing project financed under the fund is refinanced or sold at a later date. The rules may also provide that moneys from the fund shall be leveraged with other financial resources to the extent possible.

~~(e) Moneys in the fund shall be used for the purpose of providing in whole or in part loans or grants for housing projects wherein:~~

- ~~(1) At least fifty per cent of the available units are for persons and families with incomes at or below sixty per cent of the median family income;~~
- ~~(2) At least ten per cent of the available units are for persons and families with incomes at or below thirty per cent of the median income; and~~
- ~~(3) The remaining units are for persons and families with incomes at or below one hundred per cent of the median family income; provided that the corporation may establish rules to ensure full occupancy of fund projects.~~

~~(f) Commencing with fiscal year 1999-2000, at the close of each biennium, at least one third of the funds allocated to construction projects for the period shall have been committed to projects that guarantee affordable units to persons or families with incomes at or below thirty per cent of the median income pursuant to [subsection] (e)(2). Commencing with the regular session of 2000, the corporation shall submit an annual report to the legislature documenting existing projects in compliance with this subsection no later than twenty days prior to the convening of each regular session.~~

~~(g)~~ (e) For the purposes of this subpart, the applicable median family income shall be the median family income for the county or standard metropolitan statistical area in which the project is located as determined by the United States

Department of Housing and Urban Development, as adjusted from time to time.

~~(h) providing~~ (f) In providing loans and grants under this section~~[- provided that]~~, the corporation ~~shall~~ may establish loan-to-value ratios to protect the fund from inordinate risk ~~[and that under no circumstances shall the rules permit the loan to value ratio to exceed ninety five per cent]; [and] provided [further] that the underwriting guidelines shall include a debt-coverage ratio of not less than [1.05 to 1.] 1.0 to 1.0."~~

SECTION 11. Section 201G-434, Hawaii Revised Statutes, is amended to read as follows:

"~~[§201G-434]~~ **Duties of the [advisory commission-] corporation.** (a) In addition to any other duties granted by this subpart, the ~~[advisory commission shall advise and assist the board of the corporation;]~~ corporation shall evaluate the fund program each year, and report its evaluation with suggested changes to the legislature not fewer than twenty days before the convening of each regular session starting with the regular session of 1998.

(b) In addition to any other powers and duties granted under subsection (a), the ~~[commission]~~ corporation shall:

- ~~(1) Define~~ define the guidelines, procedures, conditions, and details of loans and grants under this section~~[-]~~, including~~[-]~~ but not limited to the establishment of loan-to-value and debt-coverage ratios~~[- and]~~
- ~~(2) Have the authority to obtain the services of technical and support staff from other government agencies to carry out the purposes of this chapter]."~~

SECTION 12. Section 201G-435, Hawaii Revised Statutes, is amended to read as follows:

"~~[§201G-435]~~ **Eligible applicants for funds.** Eligible applicants for funds shall include nonprofit and for-profit ~~[developers, including]~~ corporations, limited liability corporations or partnerships, partnerships, and government agencies, who are qualified in accordance with rules adopted by the corporation pursuant to chapter 91."

SECTION 13. Section 201G-436, Hawaii Revised Statutes, is amended to read as follows:

"~~[§201G-436]~~ **Eligible projects.** (a) Activities eligible for assistance from the fund shall include but not be limited to:

- (1) New construction, rehabilitation, or preservation of ~~[low-income]~~ rental housing units for persons and families with incomes at or below one hundred forty per cent of the median family income that meet the criteria for eligibility described in subsection (c);
- (2) The leveraging of moneys with the use of fund assets;
- (3) Pre-development activity grants or loans to nonprofit organizations; and
- (4) Acquisition of rental housing units for the purpose of preservation as ~~[low-income or very low-income housing;]~~ rental housing units for persons and families with incomes at or below one hundred forty per cent of the median family income.

(b) ~~[Preference shall be given to projects producing]~~ An eligible project shall produce units in at least one of the following categories:

- (1) Multifamily units;
- (2) Attached single-family units;
- (3) Apartments;
- (4) Townhouses;
- (5) Housing units above commercial or industrial space;
- (6) Single room occupancy units;
- (7) Accessory apartment units;
- (8) Employee housing; ~~and~~
- (9) Mixed finance public housing developments; and
- ~~(9)~~ (10) Other types of units meeting the criteria for eligibility set forth in subsection (c).

(c) The corporation shall establish an application process for fund allocation that gives preference to projects meeting the criteria set forth below ~~[that are listed in descending order of priority]~~:

- (1) Serve the original target group;
- (2) Provide at least _____ per cent of the total number of units for persons and families with incomes at or below thirty per cent of the median family income;
- ~~(2)~~ (3) Provide the maximum number of units [for the least amount of subsidy] for persons and families with incomes at or below _____ per cent of the median family income;
- ~~(3)~~ (4) Are committed to serving the target population over a longer period of time;
- ~~(4)~~ (5) Increase the integration of income levels of the immediate community area;
- ~~(5)~~ (6) Meet the geographic needs of the target population, such as proximity to employment centers and services; and
- ~~(6)~~ (7) Have favorable past performance [with fund moneys] in developing, owning, managing, or maintaining affordable rental housing.

The corporation may include other criteria in the above process as it deems necessary to carry out the purposes of this part.

If the corporation, after applying the process described in this subsection, finds a nonprofit project equally ranked with a for-profit or government project the corporation shall give preference to the nonprofit project in allotting fund moneys."

SECTION 14. Section 237-31, Hawaii Revised Statutes, is amended to read as follows:

"§237-31 Remittances. All remittances of taxes imposed by this chapter shall be made by money, bank draft, check, cashier's check, money order, or certificate of deposit to the office of the department of taxation to which the return was transmitted. The department shall issue its receipts therefor to the taxpayer and shall pay the moneys into the state treasury as a state realization, to be kept and accounted for as provided by law; provided that:

- (1) The sum from all general excise tax revenues realized by the State that represents the difference between \$45,000,000 and the proceeds from the sale of any general obligation bonds authorized for that fiscal year for the purposes of the state educational facilities improvement special fund shall be deposited in the state treasury in each fiscal year to the credit of the state educational facilities improvement special fund;
- (2) A sum, not to exceed \$5,000,000, from all general excise tax revenues realized by the State shall be deposited in the state treasury in each fiscal year to the credit of the compound interest bond reserve fund; ~~and~~
- (3) The sum from all general excise tax revenues realized by the State that represents twenty-five per cent of all taxes paid under this chapter for the rental of residential rental dwellings other than transient accommodations shall be deposited into the rental housing trust fund under section 201G-432; and

~~(3)~~ (4) A sum, not to exceed the amount necessary to meet the obligations of the integrated tax information management systems performance-based contract may be retained and deposited in the state treasury to the credit of the integrated tax information management systems special fund. The sum retained by the director of taxation for deposit to the integrated tax information management systems special fund for each fiscal year shall be limited to amounts appropriated by the legislature. This paragraph shall be repealed on July 1, 2005."

SECTION 15. Section 247-7, Hawaii Revised Statutes, is amended to read as follows:

"§247-7 Disposition of taxes. All taxes collected under this chapter shall be paid into the state treasury to the credit of the general fund of the State, to be used and expended for the purposes for which the general fund was created and exists by law; provided that of the taxes collected each fiscal year, ~~[twenty-five] fifty~~ per cent shall be paid into the rental housing trust fund established by section 201G-432 and twenty-five per cent shall be paid into the natural area reserve fund established by section 195-9; and provided further that the funds paid into the natural area reserve fund shall be annually disbursed by the department of land and natural resources after joint consultation with the forest stewardship committee and the natural area reserves system commission in the following priority:

- (1) To natural area partnership and forest stewardship programs;
- (2) Projects undertaken in accordance with watershed management plans pursuant to section 171-58 or watershed management plans negotiated with private landowners; and
- (3) The youth conservation corps established under chapter 193."

SECTION 16. Section 201G-433, Hawaii Revised Statutes, is repealed.

~~["§201G-433 Rental housing trust fund advisory commission. (a) There is established within the corporation the rental housing trust fund advisory commission consisting of seven members, five of whom shall be public members and appointed pursuant to section 26-34. The public members of the advisory commission shall serve four year staggered terms; provided that the initial appointments shall be as follows: two members to be appointed for four years; two members to be~~

~~appointed for three years; and one member to be appointed for two years. As part of this appointment process, an appropriate organization from each of the categories of organizations enumerated below shall submit a list of three public member nominees to the governor. The governor shall select and appoint one public member from each list.~~

~~The public members shall be representative of the following categories of organizations:~~

- ~~(1) Real estate brokers and rental property managers;~~
- ~~(2) Tenants and renters advocacy organizations;~~
- ~~(3) Nonprofit housing developers and low-income service providers;~~
- ~~(4) Mortgage lenders; and~~
- ~~(5) Architects and planners.~~

~~A county government official who shall be appointed for a two-year term on a rotating basis among counties and the governor's designated representative shall be ex officio voting members of the advisory commission.~~

~~(b) The chairperson shall be a public member elected by the members of the advisory commission and shall serve not more than two one-year terms as chair.~~

~~(c) The vice chair shall be a public member elected by the members of the advisory commission.~~

~~(d) Four members shall constitute a quorum. Four affirmative votes shall be necessary for all actions by the advisory commission.~~

~~(e) The members shall receive no compensation for services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the performance of their duties.~~

~~(f) The advisory commission shall advise and serve as the liaison between the board of the corporation and the general public."]~~

SECTION 17. Section 201G-431, Hawaii Revised Statutes, is amended by repealing the definition of "advisory commission".

["Advisory commission" means the rental housing trust fund advisory commission established by this subpart."]

PART II.

SECTION 18. The legislature finds that the demand for low income housing in Hawaii outweighs the supply. Currently, there is a waiting period from two to five years for low-income housing for both state and federal low-income housing projects. Despite the scarcity of low-income housing, there are a number of vacant state and federal low-income housing units that are currently uninhabitable. If repaired and renovated, these units would be available for applicants on the low-income housing waiting lists, reducing the State's affordable housing shortage.

The legislature further finds that funds for the modernization of federal housing projects are available to low-income housing agencies through capital fund program grants administered by the United States Department of Housing and Urban Development. Grant moneys are designated for improvements to federal low-income housing units, including redesigning, reconstructing, and reconfiguring public housing projects,

reducing vacancy, and demolishing and replacing existing low-income housing units.

The purpose of this part is to authorize the issuance of general obligation bonds for the renovation, repair, and construction of low-income housing units, and to require the housing and community development corporation of Hawaii to repair and renovate vacant low-income housing units by December 31, 2008, and to apply for federal capital fund program grants.

SECTION 19. The director of finance is authorized to issue general obligation bonds in the sum of \$, or so much thereof as may be necessary, and the same sum, or so much thereof as may be necessary, is appropriated for fiscal year 2005-2006 for the purpose of repairing and renovating vacant low-income housing units and constructing new low income housing units.

SECTION 20. The appropriation made for the capital improvement project authorized by this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that all moneys from the appropriation unencumbered as of June 30, 2008, shall lapse as of that date.

SECTION 21. The sums appropriated shall be expended by the housing and community development corporation for the purposes of this Act.

PART III.

SECTION 22. The affordable housing task force established pursuant to Senate Concurrent Resolution (S.C.R.) No. 135, Senate Draft (S.D.) 1 (2004), developed numerous proposals to provide near-term solutions to Hawaii's affordable housing shortage problem. One of the task force's recommendations submitted was to reorganize the housing and community development corporation of Hawaii into two separate entities, one agency to administer public housing functions, and the other to administer housing finance and development functions. The purpose of this part is to establish a process to effectuate that recommendation.

SECTION 23. The housing and community development corporation of Hawaii shall establish a committee of stakeholders to effectuate the recommendation of the affordable housing task force, as contained in its 2004 report to the legislature pursuant to S.C.R. No. 135, S.D. 1, to split the corporation into two separate entities: one agency to administer public housing functions, and the other to administer housing finance and development functions.

The stakeholders appointed to the committee shall represent:

- (1) The housing and development corporation of Hawaii;
- (2) Federal housing agencies;
- (3) State agencies;
- (4) County agencies;
- (5) Housing developers;
- (6) Financial institutions;
- (7) The real estate industry;
- (8) Affordable housing advocates; and
- (9) Any other entities or stakeholders the housing and development corporation of Hawaii deems appropriate.

SECTION 24. The committee established under section 23 shall:

- (1) Make recommendations on the organizational structure and functions of the two resulting agencies;
- (2) Develop proposed staffing, infrastructure, and budgetary needs for each resulting agency;
- (3) Develop an implementation timeline for its recommendations so that the two resultant agencies will be operational by January 1, 2007, if the committee's recommendations and any amendments made thereto are enacted into law by the twenty-third legislature in 2005;
- (4) Make recommendations on any other issue that the legislature may need to consider in adopting the committee's proposal; and
- (5) Submit proposed legislation and a report that includes its findings and recommendations to the legislature not later than twenty days prior to the convening of the 2006 regular session.

SECTION 25. The committee established under section 23 shall cease to exist upon the adjournment sine die of the 2006 regular session.

SECTION 26. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2005-2006, for the purposes of this Act.

SECTION 27. The sum appropriated shall be expended by the housing and community development corporation of Hawaii for the purposes of this Act.

PART IV.

SECTION 28. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 29. This Act shall take effect on July 1, 2050."

Representative Pine moved that Floor Amendment No. 3 be adopted, seconded by Representative Finnegan.

At 2:31 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:32 o'clock p.m.

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker, for allowing me this opportunity. I first want to say that I am very grateful to the Chair of the Housing Committee who has done his best to work with all sides of this issue. However, Mr. Speaker, I'm offering this amendment because I really, truly this year, want to focus on results on affordable housing.

"It used to be, Mr. Speaker, in a time where Ewa Beach used to be the place where you could actually afford to buy a house. Now people who are standing in line for homes in value of up to \$700,000. But it's not like that any more.

"It used to be where a single mother who made a median income could buy a house in Ewa Beach, but now, she cannot. It used to be that two public school teachers could buy a home in Ewa Beach, but now they cannot.

"So therefore I'm offering this amendment because I want to focus on results this year. Just for the edification of the Body, I'm going to focus on some of the differences between this amendment and the bill that we are currently amending and then allow the Representative from Foster Village to go into more detail.

"First of all, this bill focuses on results because it does not create another task force as the previous bill does. The Senate already created a task force, Mr. Speaker, to focus on this very problem, providing affordable housing for the people of Hawaii. And that's why the Governor created a task force to focus on this. So for the House to create another task force to study the other task force's duties to me does not focus on results, Mr. Speaker.

"This bill also prohibits the raids of special funds that would benefit affordable housing in Hawaii. This amendment prohibits the raid of the Housing Loan Program Fund. This amendment focuses on prohibiting on raiding the Housing Finance Fund, the UH Faculty Housing Project Fund, the Housing Loan Program Fund, the Rental Assistance Revolving Fund, the Rental Housing Trust Fund, the Dwelling Unit Revolving Fund, the Housing Revolving Fund, the Housing for Elders Revolving Fund and the Teacher Housing Revolving Fund.

"The previous bill, Mr. Speaker, did not prohibit any of these raids. I believe, Mr. Speaker, we should focus on results this year. And we should make a statement this year, Mr. Speaker, that we will no longer raid these funds because we believe that affordable housing should be our top priority.

"This amendment, Mr. Speaker, also does not increase taxes. Without increasing the conveyance tax this year, Mr. Speaker, we had one of the highest increases in revenue in the conveyance tax by just allowing the market to increase that tax itself.

"So with all the taxes that we're talking about increasing on the people of Hawaii this year, especially now when this bill passes, it's going to tax the median price of the home. As I said earlier in previous discussions, Mr. Speaker, just because you have a large home doesn't mean you're wealthy. There are many families, many Filipino families in my community, Mr. Speaker, who have 10 to 12 to 13 people living in a very large home which would be taxed under the previous bill, Mr. Speaker. They don't make a lot of money, but they truly believe this is their own way to survive, but more importantly because of their culture, they believe that it's helpful for each generation to raise the next. So to have at least three generations living together.

"This amendment also, Mr. Speaker, does not exempt the work on affordable housing from the State's Sunshine Law. To me, exempting any government function from the Sunshine Law especially when it will deal with massive amounts of income for some organization that will be building these projects to me, is just wrong.

"Mr. Speaker, this amendment focuses on results because over a hundred people got together to discuss this issue. Over a hundred people got together to say, at least in the construction business, 'I'm going to take time away from my ...'"

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

Representative Pine continued, stating:

"I apologize. Especially those in the construction industry. They are making lots of money right now, Mr. Speaker, without our involvement. Why would they want to take their time away from these huge profits? But if we bend a little bit and give them some incentives, then perhaps they might help us to build these homes.

"Speaking of the construction industry, Mr. Speaker, in the beginning of the Session I saw a lot of them here saying, 'I want to help. I can do this. We can afford to build these homes'. But lately, Mr. Speaker, they've been gone. Why, Mr. Speaker? Because the current underlying bill does not focus on results and therefore they just don't want to be involved because there is no incentives for them to be involved. Thank you."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I just want to talk about this amendment and what we have in this amendment. I am in support of the amendment. A couple of things that I just wanted to talk about. Basically, this amendment reflects, as the Representative from Ewa Beach talked about, extensive work from over a hundred people. So who are these hundred people? These hundred people are a wide spectrum of people including developers, planners, government experts, homeless providers and federal officials. They are just not the developers. This is actually modeled after many of the components of the Senate Chair of the Commerce and Consumer Protection and Housing bill that he passed out.

"There is a provision in here of an unspecified general excise tax exemption for developers who construct affordable housing units within a specific period of time offered to the first 2,500 completed units. There is a repeal of the Rental Housing Trust Fund Advisory Commission to streamline the process to award funds for affordable renting housing projects. It allows the Dwelling Unit Revolving Fund to be used for permanent financing of affordable housing projects. It increases the flexibility of the Rental Housing Trust Fund. It increases the share of the Conveyance Tax dedicated to the Rental Housing Trust Fund from 25% to 50%. It also authorizes the issuance of general obligation bonds for the purpose of repairing and renovating public housing units statewide.

"I guess my main concern and my main reason for wanting this amendment is because we are pleading to the developers. We want the developers to come forward and build affordable units. In the end, if this bill does not have, the underlying bill, does not have the amendments put forward, what we'll have is a new law but we won't have any new affordable rental units or new affordable units; and that's what the goal of a package like this is.

"We want people to come forward, take advantage of the incentives, have these projects 'pencil out' so that they can not only do regular homes or higher priced homes, but be able to contribute to affordable homes. Now that might not look good because we may not cover all the bases of homeless housing and everything like that but that I think is another issue.

"If we want to get towards homeless housing we should do that. We should put money forth for homeless housings. But right now if we want affordable housing, if we want to add to our affordable housing units, houses; what we need to do is put into play a law that would be enable these developers to partner with government and work towards building affordable housing units. Thank you."

Representative Kahikina rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I stand in opposition to the floor amendment. Thank you, Mr. Speaker. In all due respect to the Representative from Ewa Beach and the previous speaker, the amendments that are proposed is the exact bill that our counterpart in the Senate had passed out in our H.B. 1303.

"I wanted to take the time to respond to why I believe that our bill that they're trying to amend is a better vehicle than this. They make reference to the Senate Concurrent Resolution No. 135, S.D. 1. And in this task force, they were mandated to look at new term solutions to Hawaii's affordable housing shortage problem with respect to ownership and rental markets.

"Mr. Speaker, I also wanted to educate the Members that in 2003, the Housing and Community Development Corporation of Hawaii provided us with a consolidated plan, action plan, of 2003. In this plan they identified that the greatest housing need is housing for those earning below 50%, and from 50% to 80% of the median family income. It also identified that over 28,000 units, 28,000 units are expected. And out of the 28,000, 40% of those will be needed by those earning below 80% of the median income.

"Mr. Speaker, the proponents of this talk about results. I question: results for who? Because when we talk about the housing dilemma, we're talking about rentals and we're talking about home ownership. We're talking about on the far left side, the chronic homeless that we see on Aala Park. The chronic homeless that the Representative from Waianae and myself are trying to eliminate, next to Farrington Highway. The homeless that we see in the bushes down at the park. The homeless that are sleeping right in front, probably next to your neighbor's house in their car. We're talking about those homeless.

"Then on the far right hand side, which this bill speaks about, the family that is earning up to 140% of the median family income. A family of four who is probably earning \$92,000 a year. And this bill addresses those families, and I agree those families need to be addressed. But, what about the poor and needy? What about those that cannot afford to buy a home?

"So in this amendment, I just want to share some highlights. The exemption for the GET, an unspecified amount, that was shared in the previous speaker. There's no guarantee that working families will benefit from this. Only moderate income families, again building for the families up to 140% of the median family income.

"It also amends the Rental Housing Trust Fund. It eliminates the protection for low-income development and fund money -- no protection for families under the 30% median family income. Again, what kind of results do you want? And for who are you advocating these results for?

"This amendment also extends the Rental Housing Trust Fund to projects for families with income again up to 140% of the median family income. It reduces the protection to low-income families. Now who are we trying to get the results for? In my community the result is, we want to get our families off of the beaches. Those are the families that perhaps we might and we will have to build for them. And we will have to pay a portion of their rent.

"This bill does nothing to provide relief for homeless, and I've heard so many compassionate floor speeches to do something about homeless. In fact, Mr. Speaker, there's a homeless rally scheduled for 2:00 p.m. tomorrow, right here in the Rotunda. They're calling for more emergency shelters.

They're asking for more funding. This bill does nothing for them. This bill does not ensure that ..."

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

Representative Kahikina continued, stating:

"Thank you, Representative. This bill does not ensure that housing for low-income families will be built by private developers as our bill does. And as the Representative from Ewa Beach stated, she does see a huge profit from constructions, and perhaps maybe that margin of profit is what really we're talking about. You can't tell me it can't be done because I went to Maui and we visited Mr. Charley Ridding's project. He's building it. We went to see Hale Mahaolu senior citizen home. They're building it with all of these credits. With a small margin of profit, and yet they're still producing these homes and sustainability.

"For all of those reasons, and one last reason, Mr. Speaker. As you and I know, we are all mandated by Constitution to pass out a balanced budget. This amendment has all kinds of appropriations without concurrence from the Committee on Finance. This will throw off our financial projections tremendously and will probably hold up the legislative process. Again, they want results. I want results too. I believe that we all want results. But who are we advocating the results for? Are we advocating for the poor and needy, as well as those in the 140% family median income? And for those reasons, I ask my colleagues to vote down this amendment."

Representative Fox rose to speak in support of the proposed floor amendment, stating:

"Thank you, in support of the amendment. You know basically, we've got two crying needs in this community. One is to help the homeless, and the other is for affordable housing. The bill supported by the Chair Consumer Protection and Housing in the Senate is the one who responds to the affordable housing need.

"I just want to say that when you build affordable housing and expand the stock of housing in the community, you help us deal with the homeless problem because you exert downward pressure on the total amount of housing and you free up units left free by the people who moved to the new affordable housing in this bill. So, it's a very intelligent thing for this Legislature to proceed with a program that will build large numbers of affordable housing units, using the private sector and using incentives to the private sector, which is basically what the original form of this bill did. We're just trying to get back to the original form of the bill.

"There's a separate need to build housing for homeless people. That has to be done by direct appropriation of money. We just aren't going to get there with credits, so it's a two-pronged approach. The trouble with the bill that we are trying to amend is it tries to build housing for the homeless using incentives to the developers. But the demand to build cheap housing is so heavy in the original bill that developers aren't going to respond to it. Nothing is going to happen. You just have to recognize that fact. If you want developers to build your housing, you have to work with them and come up with a scheme that'll actually work. And that's what the amendment put forward by the Senate, that we're trying to get to with this amendment, the original bill by the Senate, that's what this amendment would do. It would get us back to that kind of building of affordable housing. Thank you."

Representative Pine rose to respond, stating:

"Just a brief comment. I know this amendment was just given to many Members not too long ago. But it does include housing for those that make 30% or below the median income. So, we're talking about a wide range of people that do need help in Hawaii. Thank you."

The motion that Floor Amendment No. 3, amending S.B. No. 179, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," be adopted, was put to vote by the Chair and failed to carry.

Main Motion

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

"In opposition, Mr. Speaker. I'm sorry. You've heard a lot of talk on this. I want to point out to the Members that it does raise taxes, but provides less housing. I don't know why we're doing that. But also, it eliminates the 'sunshine' requirement and what we're going to have then is at least we have the possibility of people behind closed doors dealing with large sums of money and making decisions without the public's notice. Thank you."

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

"Thank you, Mr. Speaker. On the underlying bill, S.B. 179, Related to Housing. I have a concern -- in support with reservation. Mr. Speaker, my concern relates to page 52 of the bill. If Members have the legislation before them, if they could turn to that page. What the bill does is make an assumption that if public land is developed in the conservation district, that the intended use is a public use superior to that which the land has been appropriated.

"I question, Mr. Speaker, whether that provision is constitutional and so I looked for a savings clause in the bill, and there isn't one related to State law. There is a savings clause related to federal law. I think that this is something, that first of all, the Conferees to this bill should consider the wisdom of trumping the conservation district protections and just making an automatic assumption that the use which the petition is proposing shall be conclusive proof that the intended use-the public use is superior to the conservation district.

"The constitutional issue is found in Article X, Section 2. And if the Members take a look at that, it really sets forth that the Legislature shall vest, in this instance, the Department of Land and Natural Resources the authority to determine such uses. I don't think that this bill can usurp the constitutional amendment. So I would ask, Mr. Speaker, that the Conferees work with legislative staff attorneys to review this situation and then make the policy decision as to whether or not we want to trump the conservation district restrictions." Thank you."

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

"In support, Mr. Speaker. Very briefly, I just wanted to clarify. I think people have been criticizing this bill as an attempted raise on some tax. I really wanted to put the fiscal impact of that into reality based off of some accurate data that we've been supplied.

"If you look at the Bureau of Conveyances recordings of all conveyances that have occurred in 2004, basically what we see is for transactions that occurred for less than \$600,000, and that is the sliding scale that is provided on page 14 of this bill. That is a significant majority of transactions, so that's not going to be

affected. In fact, if you look transactions over \$600,000 when you add it up, that constitutes to 4,565 total transactions. That's out of 61,799. So it's basically 7.39% of transactions will be impacted by this increase except that if you don't have a homeowner's exemption, and basically have this property as an investment property and don't live there, then you will also be subject to the increase in tax.

"So criticism, or trying to portray this as poor families that have multiple people living in their house and will have to pay an increased tax, they'll never have to pay their taxes if they don't sell the home. It's only when they sell the home, that's when the conveyance tax kicks in and it attaches to the seller, not necessarily to the buyer. So, I don't think that those criticisms are valid. Thank you."

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

"Mr. Speaker, just in rebuttal of the previous speaker. I'm in with reservations on the bill, but I would like to just rebut the previous speaker's statement. Perhaps I just wasn't very clear on my comments. I come from a Filipino family. I don't have a \$600,000 home, but many of my other relatives do. And they have to buy a new home, Mr. Speaker, when their family gets too big. And often that happens over and over, usually every three to four years. And so that's why they will have to buy a new home and they therefore will be charged this tax. Thank you."

Representative Fox rose to respond, stating:

"Thank you, Speaker. I was going to make the same point. It's the buyer who ends up paying it."

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

"Thank you, Mr. Speaker, in strong support. I won't belabor this, but the affordable housing crisis in Hawaii must be addressed in this biennial legislative session. Our low-income and moderate-income families are caught in a spiral of rising home prices that shuts them out of the housing market.

"First-time homebuyers of two-wage earners have saved up to buy a home but find nothing to purchase. Working families who must rent homes or apartments face a depleted market because no affordable rental housing has been built in the last ten years. Instead, they are confronted with few options such as paying more for shelter than they can afford, living in crowded substandard conditions often with family and friends or enduring long commutes to their place of work. And the working poor and homeless have even fewer choices for shelter as public housing and subsidized shelters have long waiting lists and federal rent subsidies are drying up.

"This House must stand up to the challenge of searching for ways to develop and build affordable housing in this State. State taxpayer's money alone cannot solve this problem, even if such funds were available. Instead, both steps must be taken to encourage private developers to step up efforts to build affordable housing. This bill, this legislative package, takes the first steps to do that. Specifically, Mr. Speaker, this bill creates incentives for private developers to build rental housing for our working families who earn around \$50,000 and cannot afford to purchase their home. It also eases restrictions on public financing programs and streamlines the permitting and approval process to encourage private developers to build affordable home ownerships for moderate income families who earn between \$80,000 and \$100,000.

"The four points in this legislation address: the housing for the homeless, affordable rental housing, affordable housing for moderate income families, and administrative changes. Mr. Speaker, there is more that I want to share but can I have permission to enter my written comments into the Journal?" and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure.

"The affordable housing crisis in Hawaii must be addressed in this biennial legislative session. Our low income and moderate income families are caught in the spiral of rising home prices that shuts them out of the housing market. First time home buyers of two wage earners have saved up to buy a home, but find nothing to purchase. Working families who must rent homes or apartments face a depleted market because no affordable rental housing has been built in the last ten years. Instead they are confronted with few options, such as pay more for shelter than they can afford, live in crowded substandard conditions often with family or friends, or endure long commutes to their place of work. And the working poor and homeless have even fewer choices for shelter as public housing and subsidized shelters have long waiting lists and federal rent subsidies are drying up.

"This House must stand up to the challenge of searching for ways to develop and build affordable housing in this state. State taxpayer money alone cannot solve this problem, even if such funds were available. Instead, bold steps must be taken to encourage private developers to step up efforts to build affordable housing. This omnibus legislative package takes the first steps to do that. Specifically, this bill:

- Creates incentives for private developers to build rental housing for our working families who earn around \$50,000 and cannot afford to purchase homes.
- Eases restrictions on public financing programs and streamlines the permitting and approval process to encourage private developers to build affordable ownership homes for moderate income families who earn between \$80,000 to \$100,000.

"The main points to this legislation are:

• HOUSING FOR THE HOMELESS

- Appropriates \$1.65 million to expand shelters and services for the homeless.
- Requires the HCDCH to offer decommissioned public housing to private developers to rehabilitate into homeless shelters, transition housing and very low income rental housing for \$1 per year.

• AFFORDABLE RENTAL HOUSING

- Upon the recommendation of the Affordable Housing Task Force, this bill modestly increases the conveyance tax rate. This will create a higher revenue stream for the rental housing trust fund on an ongoing basis.
- The conveyance tax will remain the same for properties valued up to \$600,000.
- For progressive values greater than \$600,000 the tax will increase by five cents per \$100 in value. For a

property priced at \$900,000, the purchaser will pay \$150 more in taxes.

- However, to address the phenomena of purchasers who buy residential properties for investment or vacation homes, and drive up prices and deplete the housing stock for homeowner buyers, the conveyance tax increase is slightly higher.
 - This change is expected to increase conveyance tax revenues by \$4-5 million annually and 25% of these revenues will go for affordable rental housing.
 - Authorizes general excise tax exemptions for private developers who build rental housing that targets at least half of the units for working families earning \$50,000 or less per year.
 - Authorizes the counties to use flexibility in land density review of housing projects targeted for rental housing for working families earning \$65,000 or less per year.
- AFFORDABLE HOUSING FOR MODERATE INCOME FAMILIES**
- Increases the matching state low income housing tax credit from 30% to 50% to create incentives for private developers to build affordable housing, both rental and ownership housing. This will result in an increase in tax credits of about \$2 million for private developers.
 - Authorizes an expedited permitting and review process by counties and the land use commission for all housing projects primarily designed for moderate income families earning less than \$92,000 per year

"Mr. Speaker, this bill is a big step in the right direction to end homelessness, to ensure that our low income families have clean and safe places to live, and that our moderate income families who are priced out of the market can purchase homes.

"I urge my colleagues to support this measure."

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:

"In support with reservations. This measure proposes to raise the conveyance tax, doubling and even tripling it, to generate additional revenue for the Rental Housing Trust Fund. I am in favor of finding ways to encourage the development of affordable housing, but not by raising additional taxes to solve a problem that the legislature itself has helped create.

"Over the last decade the Legislature raided multiple special funds established at HCDCH which were earmarked for affordable housing, essentially stripping millions of dollars out of those funds and using the money to support other Legislative Pet projects. Mr. Speaker, this measure should include language that would prevent these funds from being raided in the future, but this draft lacks that important safeguard.

"The Legislature's overzealous desire to tap into the conveyance tax to cash in on the recently improved real estate market sends a clear message that they intend to further milk Hawaii residents, and turn the conveyance tax into a cash cow. The conveyance tax was originally conceived as a way to

defray the costs incurred by municipalities in recording land titles and track the value of real estate. No special fund is safe from Legislative manipulation

"Housing is a commodity market, meaning that prices are determined by simple supply and demand mechanics. The harder we make it for people to build, buy, and sell homes, the higher prices will go. Instead of increasing taxes, we need to become less hostile towards housing developers and eliminate some of the red tape and over-regulation that currently stands as a significant barrier to housing development. This bill lacks sufficient incentives to attract developers and sets unrealistic standards and requirements that make it difficult for a developer to make a profit. Developers take enormous risks in undertaking a large development project. Often the profit for an entire project is realized from the sale of the last few homes. Senate Bill 179 HD2 will not cause any new affordable homes to be built.

"This bill also proposes to split HCDCH into two divisions. I am not in favor of this additional distraction. The reorganization called for would be costly in both dollars and time. Instead I would like to see HCDCH focus all its energy on housing and community development at this juncture.

"Mr. Speaker, I'm concerned with the lack of affordable housing. However, this measure will do more harm than good. It raises taxes on our already highly taxed residents and will do little to alleviate our affordable housing shortage."

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 State of Hawaii is in a crisis mode and creating affordable housing is no longer an option, but a requirement for the State. The Administration has offered several solutions that would assist in creating more affordable housing. By providing a flexible general excise tax exemption for non-profits and other companies we make it possible for them to afford to build homes across the price spectrum."

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 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Finnegan, Fox, Marumoto, Moses and Stonebraker voting no, and Representative Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1633) recommending that S.B. No. 212, 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. 212, SD 2, HD 2 pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Marumoto offered Floor Amendment No. 4, amending S.B. No. 212, SD 2, HD 2, as follows:

SECTION 1. Senate Bill No. 212, Senate Draft 2, House Draft 2, is amended by deleting its contents and replacing them with the following:

"SECTION 1. The legislature finds that recycling is an important element of an integrated solid waste management

system, which can protect and preserve environmental resources and reduce economic costs to residents and businesses within the state.

The legislature finds that the state deposit beverage container program (state deposit program) under part VIII of chapter 342G, Hawaii Revised Statutes, was enacted before the city and county of Honolulu decided to fully implement a comprehensive residential recycling program.

The legislature further finds that the city and county of Honolulu's comprehensive residential recycling program, when fully implemented, will accept a substantial majority of empty beverage containers currently recycled under the state deposit program. Given that seventy-two per cent of Hawaii's residents live on the island of Oahu and will benefit from the city and county of Honolulu's comprehensive residential recycling program once it is fully implemented, the legislature finds that the need for the state deposit program will be substantially reduced.

Because the legislature finds that the state deposit program has caused Hawaii's residents extreme difficulty in recycling their empty beverage containers and will be unduly burdensome and unnecessarily duplicative once the city and county of Honolulu fully implements its comprehensive residential recycling program, the purpose of this Act is to:

- (1) Amend the state deposit program to eliminate the deposit and related requirements; provided that the city and county of Honolulu has fully implemented its comprehensive residential recycling program by December 31, 2005; and
- (2) Support county recycling programs by requiring the state to provide revenues from the deposit beverage container fee to counties that have implemented comprehensive residential recycling programs.

SECTION 2. Section 342G-101, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"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."

2. By amending the definitions of "consumer" and "dealer" 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]."

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 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.~~

~~(c)~~ (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 8. Section 342G-121, Hawaii Revised Statutes, is amended to read as follows:

"~~[[§342G-121]]~~ **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 hearings officer."

SECTION 9. 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.

~~(e) 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 (e) to pay a deposit shall also pay a deposit beverage container fee and register with the State."~~

SECTION 10. 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 11. 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 12. 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.~~

~~(e) 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 20. This Act 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 Marumoto moved that Floor Amendment No. 4 be adopted, seconded by Representative Stonebraker.

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"With high hopes, I move for the adoption of the amendment. Thank you, Mr. Speaker. I'm speaking in favor of the amendment. We have a convoluted, dysfunctional ..."

At 3:01 o'clock p.m., Representative Souki requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:03 o'clock p.m.

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Thank you. I'm speaking in favor of the amendment. We've got a convoluted, dysfunctional bottle program. We can vote for the bill before us, the underlying bill to continue this ill-conceived law. It attempts to fix the program by offering extensive tax credits and lavish grants. The underlying bill dangles \$50,000 tax credits and \$125,000 grants hoping to save the Bottle Bill and save legislative face.

"The Bottle Bill Program has been challenging for our citizens. Redemption has been down right difficult for our citizens. It is most inconvenient, if not, impossible for some. Many don't have the time, or they don't have a car, or it's not worth the time it takes to get there and wait in line. People don't like paying the nickel, the 6 cents a container if you count the handling fee, and getting less than a nickel back. People are grumpy. They are mad. Even people who run recycling centers are not happy with the program. It doesn't work. They're not getting paid.

"I offer an amendment to make this program workable. It will simplify the program. It will increase the recycling rate. It will save money -- 5 cents per container. It is worth considering. Yes, we've tried this amendment before on a House bill. This amendment is based on a measure first introduced by the House Consumer Protection and Commerce Committee Chair. It is a beautifully simple plan.

"First, we discontinue the unwieldy redemption plan once a county with over a 500,000 population, mainly Oahu, has a curbside recycling program in place. How will this work? We stop paying 5 cents per container and get rid of the redemption headache. We no longer will have to haul bottles and cans to a far away recycling center. Instead, we have the county pick up the containers from our doorstep. We can get rid of all our recyclables; paper, plastic and glass bottles, cans and cardboard. We can spare the retailer establishments from paying 5 cents and passing on the cost on to the consumer. The best part, if I haven't mentioned it already, we don't have to pay the 5 cents to recycle every bloody beverage container. It is less work, less grief and the best part of it is that more containers will be recycled. It's better for the environment and reduces litter to boot. So, please vote for this change.

"The only thing we retain is a one-cent tax on beverage containers. The distributor turns the money over to the Department of Health, who then pays the City and County of Honolulu its share based on its population. Simple yes? So let's do it.

"The City and County has already started its 'blue can' curbside and recycling program on parts of Oahu. Because this program is convenient, people are going to use it. Though it will cost them one-cent per container, they will be happy to know that they are doing their civic duty by recycling. As responsible citizens they know that they are reducing litter and are respectful of the environment.

"Folks, this is our last chance to get this concept on the table for consideration by a Conference Committee. Think hard before we give out tax credits and grants and recyclers purchase more reverse vending machines.

"To reiterate, dump the redemption hassle. Buy a case of whatever, and pay 1 cent per container, not 6 cents. Then, throw the containers into the blue can. Like I said, it's so simple. Let's do it. Mahalo."

Representative Hiraki rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to this amendment. For the record, I do support the recycling of beverage containers, but in this instance I am absolutely opposed to the recycling of my ideas. So I'd like to ask that the words of the Representative from Waialae-Iki be entered in to the Journal as my own, but only that portion that praises me as a source of her inspiration. Thank you."

Representative Caldwell rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition and I think this amendment is misguided for the simple reason that the Representative from Kaimuki/Kahala mentioned. And that is, you know, this past Saturday, Mr. Speaker, we woke up to the headlines in our local paper, the *Advertiser* stating that Big Island recycler closes 6 of 8 redemption sites. The reason given is that they weren't being paid. This impacted sites at Hawi, Waikoloa, Honokaa, Pahala, Na'alehu and Oceanview. There were not a lot of other alternatives for these residents and these communities to redeem their bottles and cans. And with the closing of these sites, they had to drive to Hilo or Kona if they wanted to take advantage.

"And then, Mr. Speaker, this morning we woke up to a headline on the front page of our paper talking about one of the recyclers on this island stating that they were going to be shutting because they haven't been paid \$250,000. And we've come to learn that there are many other redemption sites where they have not been paid by the State of Hawaii.

"I know the Executive branch doesn't support the Bottle Recycling Bill. It was vetoed, and we overrode it. It's been opposed. In implementation of the rules, they were put in at the very last minute, and every effort has been made into trying to roll out this program in the most ineffective, inefficient and ineffective way possible."

Representative Moses interjected, stating:

"Objection, Mr. Speaker. That is not true. That is pure conjecture."

Representative Caldwell responded, stating:

"Mr. Speaker, I have the floor."

The Chair responded, stating:

"Point of order. Representative Moses, Representative Caldwell has the floor. Please continue, Representative Caldwell."

Representative Caldwell continued, stating:

Thank you, Mr. Speaker. I appreciate it. The point I'm trying to make, Mr. Speaker, is this, plain and simple. We have a statute that's been on the books for years now in Hawaii Revised Statutes, Section 103-10, Payment for Goods and Services. Sub-section (a), Mr. Speaker, I want to read it to you, says, "Any person who renders proper statement for goods delivered or services performed pursuant to contract to any agency ...

Representative Stonebraker rose to a point of order, stating:

"Point of order, Mr. Speaker. I don't understand how the Representative is addressing the merits or demerits of the amendment. His words have nothing to do with the amendment. Thank you."

The Chair responded, stating:

"I believe his words do have a lot to do with the amendments. Representative Caldwell, please."

Representative Caldwell continued, stating:

"Thank you, Mr. Speaker. I appreciate it. I also agree that it does. It tries to show where this legislation is misguided. Anyway, to repeat, "Any person who renders proper statement for goods delivered or services performed pursuant to contract to any agency of the state or any county shall be paid no later than 30 calendar days following receipt of the statement or satisfactory delivery of goods or performance of the services."

"Mr. Speaker, this Administration has said repeatedly that they are in a partnership with business and they're for small business. Small business recyclers throughout our State have been performing an invaluable service to our State by providing redemption centers. And it's just unfortunate that ..."

Representative Thielen rose, stating:

"Mr. Speaker? Yes, point of information. There's nothing in the amendment that is talking about small business recyclers. The amendment is proposing that the responsibility be turned back over to the counties."

Speaker Takai: "Representative Thielen, hold on. Representative Blake Oshiro."

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

"Point of order. The current speaker is not addressing a proper point of order."

At 3:12 o'clock p.m., Representative Fox requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:13 o'clock p.m.

At this time, the Chair stated:

"Before we continue, I would like to just state some things so that we can finish up today. I know that everybody felt that we were going to finish up at 2:00, but unfortunately, it's past 2:00 p.m. But let's try and get through this agenda quickly."

"And in terms of discussion, my suggestion is that we let the people speaking speak, and if you have a point, please stand and wait for me to recognize you. Representative Caldwell, you have the floor."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. I appreciate your guidance on this. Mr. Speaker my point, I'm going to wrap up, is that I stated that this Administration has prided itself on being in partnership with business. I believe that under our Hawaii Revised Statutes, they should honor that commitment by paying these recyclers in 30 days. Not in February, not in March, not in April, but in 30 days. And in fact, if the State did honor that obligation, we would have more recycling redemption centers, not less. Therefore providing an alternative for the residents of our communities to recycle their bottles and cans.

"What has happened instead, is it has made it more difficult for our residents and therefore they come forward with this amendment arguing that they're going to address the problem. We should get behind this bill, fix up the efficiency as we're trying to do in the main bill that we're going to hear next, and work with the small business people who are trying to provide a valuable service and move forward instead of going back. And that's my point, Mr. Speaker. I appreciate your time. Thank you very much."

Representative Meyer rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I'm rising in support of the amendment. The previous speaker talked like the rules were hurriedly put together. People in the industry came and testified last year and asked to please have the start date later because they had not started on the rules. So, it was acknowledged by people who would be affected; the bottlers, the distributors, and the Department of Health, that they needed more time. But this Body didn't pay any attention to that and decided that we were going to just ram this thing into gear because as he also said, the bill passed in 2002, but it was so flawed that we kept changing it because we weren't ready to go.

"But the acknowledgement that the Department of Health would be under a lot of pressure to come up with these rules was made public right along the way in the last Session. And even in spite of that, the bill went into effect in October, I guess it was. I think the Department of Health has done a wonderful job under a kind of a difficult situation. And as far as supporting the Bottle Bill, they have had all kinds of public notices in the newspaper to let people know where the redemption centers are. They have just in the last two months, I think, they've added another 15 or 20 redemption centers.

"There have been some problems, I don't know what it is, with the payment just in this last month. But you have to also realize that recyclers are small businesses at the smallest amount. They're undercapitalized and they don't have extra capital to float things. Anybody who's in business for themselves needs to have some capital behind them because your vendors, your customers don't always pay. There's billing. There's lag times and that's what we're experiencing here; a lag time, which these small businesses simply can't absorb in any way possible and that's why those redemption centers were closed on the Big Island.

"As far as Island Recycling, they have run afoul of the City and County on permitting problems and I'm not at all sure that there are some problems, financial problems, there and fines that they owe that could play into this. So this may have not

everything to do with getting the money from the Department of Health to pay people back their nickels.

"People are busy. People have multiple jobs. This redemption scheme is not working. The City has already invested in these blue recycle bins. They're ready to go. It just makes so much sense it's hard to believe that there's so much resistance here in this Chamber. There is no other issue that I have not received more complaints about other than the raising of the GET Tax.

"People say, 'Just get rid of it.' Well, you know, I try to tell them I am one legislator. There are 51 in the House, plus we have the Senate. We can't just get rid of it. Once it's passed we have to try to make the best of it. But there is a tendency here to want to just ignore the problems that are so clear on their face and this amendment based on the bill introduced by the Chairman of Consumer Protection is a very good way to handle this problem. Thank you."

Representative Green rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker, just very briefly in opposition to the amendment. With all due respect to my colleagues in the Minority Party, they say there's a major problem. We've demonstrated these big problems on the Big Island, the island where my constituents live. Yet, the amendment doesn't do anything, as far as I can tell, for the Big Island. It helps Oahu and Honolulu. So, respectfully, I feel disrespected. Thank you, Mr. Speaker."

Representative Moses rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker, in support of the amendment. We keep hearing that the bill that we're trying to amend here, the law we're trying to amend, is okay if it just had the support of the Administration. Well, I can personally vouch for the fact that the Governor and all her department heads, who are all opposed the measure and vetoed the measure, know now that it is law and they are sworn to uphold the law. And they have every intention of doing exactly what the law is. Okay, so there's no foot-dragging here.

"But I will say this. Out in my neck of the woods, as many of you know, I'm involved in many sports activities. I live my weekends, basically, at the ball fields; whether it be baseball or football or soccer, whatever. And I see everybody throwing their cans away and I go around telling them, you know, those are worth money. And they say, 'Yeah, but our time is worth more than trying to redeem them.' Again, there aren't enough redemption centers.

"Now, you can say that we should just set up more, and this underlying bill is trying to do that. But you still have to have the incentive to go stand in a long line or even stand in line with reverse vending machines and then you stand in lines, then you get your little slip of paper, then you go to the counter and you stand in line again. This is not the way to have people recycle. The way you recycle is you take the stuff and you throw it in the big blue can."

Representative Morita rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in opposition to this floor amendment. The supporters of this floor amendment incorrectly assume that the City and County of Honolulu's curbside recycling program is an adequate replacement for the Bottle Deposit Redemption Program. How many times does this Body have to debate this program? Wasting time

rehashing a policy issue that has been extensively researched over and over again, rather than concentrating on how to assist the present State Administration in making the Bottle Deposit Redemption Program work better for Hawaii's consumers by building up Hawaii's recycling infrastructure, as proposed in S.B. 212, H.D. 2?

"I have to remind this Body that in the research regarding curbside recycling, in most places that have curbside recycling, the recycling rate is only about 40%. In states that have bottle laws in conjunction with curbside recycling, their redemption rate is upwards of 70%. One of the strongest advocates for the Bottle Deposit Redemption Program has been the City and County of Honolulu. The City and County of Honolulu believes it needs both, the Bottle Deposit Redemption Program and curbside recycling, to address Oahu's growing solid waste challenges.

"Further, this floor amendment only has a 1 cent handling fee which is not adequate to handle recycling costs or to build a recycling infrastructure that is badly needed.

"There is no doubt that improvements have to be made to the Deposit Redemption Program. We need to open more convenient redemption sites. And redemption sites and recyclers need to be assured that they will be paid in a timely manner by the State. These are the responsibilities of the Administration and we need to rely on this Administration to make the program a success.

"Mr. Speaker, your Members are continuing to investigate ways to assist the Department of Health to implement and improve this program. Bottle Deposit Redemption Programs are proven effective programs that increase recycling rates. We are 100 days into the program and what we really need is the commitment and the political will to make the bottle program works statewide, not just on Oahu, so future generations will not be stuck with the problems that we caused today. Thank you"

Representative Fox rose to speak in support of the proposed floor amendment, stating:

"Thank you, Speaker. The previous speaker made some points. I am in support of the amendment. She talked about a recycling rate of only 40%. Mr. Speaker, under this bill we had a recycling rate of 5% in the month of January.

"She mentioned that the City and County of Honolulu supports the bill along with curbside recycling. Of course they do. Every container dropped into a blue container, every bottle dropped into a blue container under a program in which both programs are operating, the City collects 5 cents. Naturally, they're in favor of having both programs.

"But the key thing is that the City is going to do curbside recycling and that'll take care of at least 40% of the problem based on what the previous speaker said.

"The previous speaker talked about the fact that recycling programs work elsewhere. Well, redemption programs work elsewhere. Yes, they do because they're handled by the private sector through stores. That's what works and if the stores made the profit on the difference between the amount of money they charged for the bottles and the amount of money that came back, that was enough to run the programs. Why Hawaii didn't follow that path under her leadership? I have no idea, but we've got a really unworkable program and the fix under the underlying bill, which is only a fake. It's a fake in the direction of solving the problem because we heard from the people who are going to have to be rewarded through these tax credits and they said, you know, "What? You're going to give us money

for a machine? And then you're not going to pay us any subsidy to operate the machine?"

"It's not enough just to put a machine in. It costs money to operate the machine and the subsidy isn't there. There was strong testimony against the idea of just handing out money to any organization who walks through the door and says they want to do recycling. The underlying bill is a serious problem. It's a fake in the direction of solving the solution. We're offering the Legislature a chance to do the right thing -- to fix the recycling program, turn it over to the City and County of Honolulu, keep the program going on the Neighbor Islands until they come up with a different solution. But at least in the City and County of Honolulu we can get rid of the program in favor of curbside recycling.

"I would again remind all Representatives, you have your chance to stand up now and say that you're in favor of the amendment. Otherwise, the people of Hawaii know that you're not in favor of the amendment. Thank you, Mr. Speaker."

Representative Halford rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker, for allowing me to speak in favor of this constructive proposal. Mr. Speaker, the Representative from Kahala did a good job explaining why this is a constructive idea. It's an idea put on the table for our consideration, as many of our ideas have been put on the table. It's a clean and upfront approach, and as I said, she did a good job of explaining it so I won't try to reiterate her points.

"Nothing in this proposal contemplates late payments to vendors or anyone else. This is a totally upfront suggestion, and to bring up the issue of late payments that are occurring in a system that isn't what's being proposed now is really just a distraction and a negative to the conversation in my view.

"Mr. Speaker, you and I both were present in this Legislature for the eight years of the Cayetano Administration. In which time, there were many late payments to businesses; and excessive in my view. But worst than that, Mr. Speaker, there were delays of pay to workers. In my view, that's worst than not paying vendors. We created a payroll lag ..."

The Chair addressed Representative Halford, stating:

"Representative Halford, will you please stay focused on the underlying issue, and that is the ..."

Representative Halford responded, stating:

"Mr. Speaker, I am staying quite focused on the distraction that was brought earlier that had nothing to do with this amendment."

Vice Speaker Takai: "Representative Halford, the discussions by Representative Caldwell focused on late payments for this particular program. If you want to talk about late payments, please keep your focus to the Bottle Bill."

Representative Halford: "Mr. Speaker, there is nothing in this proposal that contemplates late payments. The discussion about late payments was just a 'red herring' distraction that has nothing to do with what's being proposed here today. You allow that discussion to continue on and just allowed in digression ..."

Vice Speaker Takai: "I've allowed a lot of discussion on the general issue of the Bottle Bill. Representative Fox talked a lot about the underlying bill. I allowed that conversation. So,

please keep your discussions on the issue of the Bottle Bill, the underlying bill or this floor amendment.

"And by the way, after this, we're going to go to the main motion and hopefully zip right through this since we talked a lot about both the floor amendment as well as the underlying bill. Please proceed."

Representative Halford: "Thank you, Mr. Speaker. I think you got my point. Thank you."

Representative Stonebraker rose in support of the proposed floor amendment and asked that the remarks of Representatives Fox and Marumoto be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in support of the proposed floor amendment and asked that the remarks of Representatives Fox and Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Hale rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I speak in strong opposition to this amendment, and support of the underlying bill. I've been in politics for over 50 years -- local government. I utterly resent anything that tells the local government what to do and that's what we're doing. The City and County of Honolulu was going to do this anyhow. They don't need legislation to say they need to go over recycling.

"On my island, and in my particular district, although it's a very rural district and impossible to do curbside recycling, because we don't even have curbs. We don't have paved streets. But we do have in the Puna district, in my district, a very creative recycling facility that was started by the County of Hawaii. And it has been a very, very successful program. People have brought in everything -- paper, all kinds of paper, bottles, cans, magazines, things they don't want to use anymore to be recycled for people that could use these items. It has been so successful in the Puna district that it is now being copied in the Kona district. The counties are very capable of solving their own problems for recycling. They don't need the Legislature telling them how to do it.

"As far as the Bottle Bill is concerned, ever since I have been a public official I've heard about the so called, Bottle Bill. People keep telling me over the years why don't we pass a Bottle Bill. And I've sat on the Representative from Kauai's Committee when the Bottle Bill was first passed. And I was amazed that she was able, finally after 20 or 30 years, a Bottle Bill that she was able to get something through that actually passed the Legislature and is being implemented.

"And I think we have to remember, it has only been implemented for about 4 months so you can't say that in January they only had 5%. What is the percent for April? And it will go up. People are supportive of it on my island, and the question of whether or not are they're going to get paid is very pertinent to this whole selection because otherwise we cannot keep the program going on the Big Island. Thank you."

Representative Lee rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, in opposition to the amendment. Mr. Speaker, you know, it's amazing to me that the Members of the Minority don't understand the difference between curbside recycling and the Bottle Bill after all this time. I don't know how many speeches there have been on this floor describing the difference

and the different reasons for having both curbside recycling and the Bottle Bill.

"I've just been reading about New York State and they are now, there's a move in New York State to strengthen and expand the Bottle Bill. And what's amazing to me, that since that original Nickel Deposit Bill was passed in 1982, \$5.2 billion tons, not pounds, of bottles had been redeemed rather than tossed into landfills, and the State of New York has saved \$300 million on landfills.

"In Mililani, bottles are starting to disappear from the streets because people are getting the idea that these are worth money. Children in the schools in Mililani are very, very excited about the recycling program and it's going to increase an enthusiasm. And I think this is a great thing for our State. So, let's give it a chance. Let's work together to make this work."

The motion that Floor Amendment No. 4, amending S.B. No. 212, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," be adopted, was put to vote by the Chair and failed to carry.

Main Motion

The Chair then stated:

"Members, we are back on the main motion. As I mentioned earlier, I'd like to just have discussion focused on new items. We've had a lot of debate on this particular issue. Much of it has, at this point, been recycled."

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

"Thank you, Mr. Speaker. Back when we originally passed the Bottle Bill I had voted in favor of it. My family and I, we do utilize the redemption centers. I am down on this bill. I vote against it. The reason is this, Mr. Speaker. The best way to administrate a Bottle Bill is to allow the grocery stores to do it at their level. The more the government gets involved in a recycling program at this level, the worse it is.

"I'll summarize my statements by saying that our collections have been broad, but our returns have been very narrow and that will continue to be the case as long as the government's interest are in mind the more money we collect and keep the more money we'll be able to distribute. The problem is that we are going to become dependent upon this.

"Now imagine this. There you are with your wife and kids in a stroller. You get to the shopping center. You want to return your cans. There's a line at the redemption machine where people are reaching into their bags and putting cans in one at a time. These are a nickel apiece, if that. You put in 20 of them. How long does that take? That's a dollar. You put in 40 of them; that's \$2. And isn't the people's time worth more than that? They've got kids with pacifiers squirming in their strollers. They're restless. They want to get shopping. They're sweating.

"Then, after you wait in line for two or three families to do this you get up to the front. An hour later you get your piece of paper then you have to go into the store and redeem that for your money. If we think and the people of Hawaii think that the Bottle Bill is a rip off, wait till we pass this. This will make it much worse. Vote no."

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

"Thank you, Mr. Speaker. I stand in support of this bill. This bill will help consumers and I had many constituents call me and I think it's something we've all seen of being able to conveniently redeem their bottles and cans.

"In the two-prong approach of the grant program to help organizations whether it be profit, non-profits, or schools, to help set-up redemption centers as well as the tax credits to provide the retailers that was discussed earlier to help set up the center. And I think this is a good step in improving the redemption rate.

"If I may, just quickly make some points of information. If I'm not mistaken, for the first three months of this year the recycling rate is at 39% now, which is much better than the 1% somebody said earlier.

"There was also some testimony regarding the continuation of cost, and I think what we will see with this is that you'll find operators and retailers finding a economic solution on their own, and this will help that. And if I'm not mistaken, the retailers supported the intent. They had some concerns about the language. It was actually the Tax Bill Service, which isn't an operator or retailer, who had that operational cost concern. Thank you."

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:

"This bill still does not completely solve the current problems that exist with our fragmented recycling program. The measure does not make it easier for vendors to participate in the process. For example, the tax credit is available only if the redemption centers are established this year as the credit is available for tax years beginning after December 31, 2004, but not available for tax years beginning after December 31, 2005. As a result, the taxpayer has to ask the question what about future costs of operations? Who is going to pay for the electricity to operate the reverse vending machines, the cost of maintenance including restocking the machines with funds, cleaning of the machines and picking up and storage of the returns? These and many fundamental questions still need to be answered in order to support this measure."

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

"Mr. Speaker, I am supporting this bill with reservations. Mr. Speaker, I didn't appreciate the education that the Representative from Mililani was providing on the workability on the Bottle Bill. This is the way I understand the kind of information she was bringing to my attention about New York.

"We have nine states on the mainland with redemption programs. Nine states on the mainland operating in the private sector. We have a unique enterprise in Hawaii, the only one that a bureaucracy operates. Ours doesn't work. I'd be totally for going to the mainland model. I'd go for it tomorrow. Thank you, Mr. Speaker."

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

"I stand in support of this measure. In looking at some issues that have come forward this year that need to be addressed, one was the upfront capitalization cost of the kind of machinery and technology that would make the redemption of bottles, beverage containers, convenient. And so this measure

addresses that concern and hopefully to make the program a success.

"For the edification of the Members here, with regard to the participation of the retailers. In states like Michigan that require the retailers to manage the program, my understanding is that it was done by an initiative action. And for many years retailers opposed it. But again, it was something that could not be repealed. And they worked using technology, like reverse vending machines, to make their redemption program workable for them. That's why I believe that a bill like this will help to look for that existing technology to help our recycling efforts by providing the infrastructure through these kinds of means. Thank you."

Representative Meyer rose in opposition to 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 opposition to SCR 1633, SB 212, SD 2, HD 2. This bill attempts to alleviate the major problems with the Bottle Bill, namely the lack of functioning redemption centers. I am a strong supporter of recycling and reusing valuable resources. I have never supported our Bottle Bill because it saves only a small percentage of the waste stream going into our landfill while a more comprehensive curbside recycling would save twenty times more space and be more efficient and cost effective.

"I have received many angry calls from frustrated constituents over the last few months complaining about all the difficulties they are experiencing in their efforts to get their deposits back. More redemption centers may help but if they are mostly reverse vending machine types, the prolonged time it takes to feed the empties into the machines multiplied by the numbers of people waiting in line is not going to make many people happy.

"The authors of the Bottle Bill really don't care how much money has to be spent to try and win over converts to the Hi5 program. This bill will create generous tax credits not only for the existing redemption centers but also for any new centers established this year. In addition to the tax credit program the bill instructs the Department of Health to create a grant program to assist people in setting up redemption centers with a maximum grant of approx. \$120,000. Pretty generous grant with no requirements of business plans, credit worthiness and no accountability requirements. It is not hard to imagine that unscrupulous or inept persons will jump on this bandwagon. Looks like a desperate attempt to salvage the Bottle bill at any cost. This bill represents a careless approach by legislators who should be looking out for the safekeeping of the public's hard earned dollars."

Representative Finnegan rose in opposition to 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 opposition to S.B. 212, S.D. 2, H.D. 3, Relating to Environment. One of the fundamental problems with the well-intentioned Bottle Bill is that it is difficult for people to recycle, even if they want to do so. Vendors have little incentive to establish recycling centers because recycling vending machines are expensive, pose sanitation concerns, and are difficult to upkeep and maintain. Additionally, we constantly hear how people have little patience for the present system's inconveniences. The most important incentive in enticing vendors and businesses to help

establish a responsible recycling program is to have the idea originate within the business community. If this community has a vested interest, then by virtue of simple economic principles, the stakeholder will make the program efficient, successful, and profitable.

"There comes a time when we cannot continue to tweak legislation that the business community and our constituents constantly decry. Consumer recycling programs should be the genesis of private enterprise, supported by government in principle ... not the genesis of government and foisted upon the private sector, which supports the program in principle and not in action or follow-up. 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. 212, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Finnegan, Marumoto, Meyer, Moses and Stonebraker voting no, and Representative Nakasone being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1634) recommending that S.B. No. 962, 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. 962, SD 2, 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 going to vote in favor of this bill, but I do have a very strong reservation on it about one section in it. Thank you. Mr. Speaker, the Finance Committee amended the bill, and up until that point the bill was fine. But they've added a new category of construction contracts and it's called the Indirect Public Works Project.

"The underlying purpose of the bill is to expand and improve fair labor practices to all projects in which the government is involved by specifying exactly what defines a public works project. To that extent, I have no objections to the bill, but when the Finance Committee added the Indirect Public Works Projects, that's what creates the problem. And if the Members turn to page 10 of the S.B. 962, you'll see the definition of an Indirect Public Works Project. That means any project or renovation that has received a county tax exemption. I'm only taking the sections and stating those where I have a problem.

"Any homeowner who receives a county tax exemption. So, under this definition, that homeowner's project or renovation becomes an Indirect Public Works Project and is subject to this bill.

"Then you go on further and an Indirect Public Works Project means a project that uses State or county land. This means that any farmer leasing State land that wants to renovate or make any farming improvements becomes subject to this bill. And when you start looking at the impact of the bill, there is very little left that is outside of the parameters of this bill.

"I don't think this was the intention of the original proponents of the bill. I don't really understand, unless it was done by intention in the Finance Committee. I don't understand why there's really nothing left that's outside the parameter of the bill because of this broad, broad, incredibly broad definition of what is an Indirect Public Works Project. We're hitting farmers. We're hitting homeowners. We're virtually hitting everyone. Thank you."

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

"Mr. Speaker, brief comments in support. Just to clarify the Representative from Kailua's concerns. If the Representative turns to Chapter 104, Wages and Hours of Employees and Public Works in HRS, Mr. Speaker. Under Section 104-2, they have certain definitions and they define a public works and what it means. And it says, "Public works means any project including development of any housing and development, construction and renovation and maintenance related to reimbursement of any real or personal property with funds or resources required to undertake the project are to any extent derived either ..." and the point here is, "... directly or indirectly from public revenues of the state or any county or from the sale of securities ..." and so forth.

"Mr. Speaker, what this bill is doing, this amendment that was made in the Finance Committee, is basically building off of what has been the law for many years and defining what is a public works project, both direct and indirect, and making it clear so that there's no ambiguity. And that's what this bill is designed to do. And yes, it is extending public policy to ensure that when government funds are used, either land or money, that a prevailing wage is paid, which is only the fair thing to do. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. And I heard what the previous speaker had to say, but I'm reading the bill right in front of me. It says, every contract in excess of \$2,000 for a construction of a public works or indirect public works project. And then it goes on to talk about what they mean in the sense of a contract.

"One of the words referred to earlier, contract, includes but is not limited to any agreement, purchase order, or voucher in excess of \$2,000 for construction of a public works, and indirect public works project, and has many more things under there. And then it comes down to, this includes probably received the government benefits from a general excise tax exemption, a county tax exemption, use of State and county land, construction contract between private persons whether or not the property is privately owned and either, and there is an (a) and a (b), and the (b) is, construction workers perform according to a plan a specification or criteria. I would contend that that means building permit, established by the State and a political subdivision or any agency of the State or county.

"Mr. Speaker, I'm not a lawyer, but that tells me that if I get a property tax exemption and any other exemption, and I get a building permit, even if I don't get an exemption. If I get a building permit from the county, I have to pay a prevailing wage. Thank you, Mr. Speaker."

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

"In opposition. It appears, Mr. Speaker, that now those large families that I was fighting for before who could not afford that larger home will now not even be able to afford to add a couple of rooms to their own home. Thank you."

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

"Thank you, Mr. Speaker. There's a real problem with this bill, which I oppose. And that is, you know, it's one thing to have the Davis-Bacon or little Davis-Bacon Act applied to

work that the government is directly supervising. That makes sense. I mean, the government is letting out the contract that's concerned about the wages that are paid under the contract directly. It's another thing to just have this very indirect process. It's going to be virtually impossible for the government to administer this, which is what the State agencies and the county agencies have testified to. This bill must be designed to be vetoed. 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. 962, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine and Stonebraker voting no, and Representative Nakasone being excused.

At 3:51 o'clock p.m., the Chair noted that the reports of the Committees were adopted, and S.B. Nos.: 1620, SD 2, HD 2; 1877, HD 1; 1876, SD 2, HD 2; 802, SD 2, HD 1; 179, SD 3, HD 2; 212, SD 2, HD 2; and 962, SD 2, HD 2, passed Third Reading.

THIRD READING

S.B. No. 680, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 680, SD 1, 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. I'd like to go back to Stand. Com. Report 1536, Relating to Solid Waste Control. This is again related to the Bottle Bill. In opposition. The bill is going to require that the distributors provide all the recyclers with uniform UPC numbers and it will be up to the Department of Health to make sure it's done.

"This is not done anywhere else. It's an additional responsibility for the Department of Health and also for the distributors. I just think, you know, it's more, more work involved with this whole project. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 680, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Meyer voting no, and Representatives Arakaki, Herkes, Lee, Nakasone, Souki and Yamane being excused.

S.B. No. 120, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 120, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Halford voting no, and Representatives Arakaki, Herkes, Lee, Nakasone, Souki and Yamane being excused.

S.B. No. 1170, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1170, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Herkes, Lee, Nakasone, Souki and Yamane being excused.

S.B. No. 1140, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1140, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICE LOAN COMPANIES," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Herkes, Lee, Nakasone, Souki and Yamane being excused.

S.B. No. 1100, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1100, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Herkes, Lee, Nakasone, Souki and Yamane being excused.

At 3:54 o'clock p.m., the Chair noted that S.B. Nos.: 680, SD 1, HD 1; 120, SD 1, HD 1; 1170, SD 2, HD 1; 1140, SD 1; and 1100, SD 2, HD 1, passed Third Reading.

S.B. No. 1285, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1285, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 1336, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1336, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 1713, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, and S.B. No. 1713, SD 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 27, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 27, SD 1, HD 1, 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 strong support of SB27 SD1 HD1: Making an Appropriation for the Kapiolani Child At-Risk Evaluation Program.

"The Kapiolani CARE program provides comprehensive, coordinated and compassionate forensic health services to children who are victims or suspected victims of abuse and neglect.

"Before the CARE program, many cases of abuse went undiagnosed because children were seen by physicians not

specializing in this field. The CARE program has also played a significant role in the discovery, investigation and successful prosecution of criminal child abuse cases.

"CARE is the only source of this medical expertise in the field of physical abuse on Oahu, and the only clinic to assist Child Welfare Service in accurate investigation of all types of reported abuse and health problems.

"Funding for CARE has relied on private donations which unfortunately, will end in July 2005.

"Mr. Speaker, in order to continue this valuable service for our children who may have been victims of abuse, we need to support SB27 and provide funding for the Kapiolani Child At-Risk Evaluation Program.

"Thank you, Mr. Speaker."

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

"Thank you very much. I am in strong support for this particular measure. This measure involves an appropriation for Kapiolani Child At-Risk Evaluation Program. The program is significant and it's important because it is designed to provide a forensic medical investigation to take a look at allegations of child abuse. It is the policy, the policy statement, from this Body when we support this bill, that we care about our children and also we care about the families.

"The forensic medical examination takes a look at the evidence, the empirical evidence before it, and makes sure that if there are any fictitious allegations, that are not true allegations, that those can be excluded. But most importantly to protect our children who are truly abused from those sometimes evidence that can't be seen by the naked eye can be normally seen by non-professionals.

"This medical examination provided by the Kapiolani Child At-Risk Evaluation Program is quite vital. So I think we should support this and I urge this Body to support this with me. Thank you very much."

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 SB. 27. This bill makes an appropriation for Kapiolani Child At-Risk Evaluation (CARE) Program. The CARE program has been funded through a private grant for the last few years and provides an essential service to the Child Protective Services unit at the Department of Human Services.

"After a parent is accused of abuse by a neighbor, friend or an anonymous person the Child Protective Services (CPS) takes the word of the accuser over the parent. The parent is presumed guilty. The CARE Program allows children to be evaluated first by a medical professional, who can make a better determination of physical abuse than a CPS social worker. If there is no evidence of abuse, the child is returned to his or her parent. If there is abuse, then the proper steps are taken to remove the child from the home. Without that first impartial evaluation to determine abuse, many children could be removed from their parent's home in error and placed in a foster home.

"I have had constituents put in that position and the trauma to both the parents and the children is something no one should be

subjected to. The appropriation for this bill would keep the CARE Program functioning at Kapiolani Hospital and will prevent the unnecessary break-up of Hawaii's families."

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 strong support of this measure. The CARE program is the sole provider of medical expertise in the field of physical abuse on Oahu, and the only clinic to assist Child Welfare Services in accurate investigations of all types of reported harmed and identification of child abuse-related health problems. Research here and across the nation has shown that children in foster care have a high prevalence and broad range of health care needs at the time of placement. They have a significantly higher rate of medical and mental health problems and often do not have a primary care physician nor have they received regular medical care. We must support our *keiki* by appropriating funding for the Kapiolani Child At Risk Program."

The motion was put to vote by the Chair and carried, 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 Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 97, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 97, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in strong support of this measure. This is the bill that deals with the increasing the standard deduction. This bill would bring Hawaii into conformity with the federal tax code. Hawaii's standard deduction has not increased in more than 20 years. Given the effects of inflation over those years, it means that many citizens who should not be filing tax returns due to low income's are required to do so because of the fact that Hawaii's standard deduction has not kept pace over the years. It makes no sense to require people on welfare and State assistance to file tax returns and pay State income tax on incomes that are considered below the Federal poverty level. This bill is long overdue and I urge all the Representatives to support this common sense legislation. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 97, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION AMOUNT," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

At 3:58 o'clock p.m., the Chair noted that S.B. Nos.: 1285 SD 2, HD 1; 1336, SD 1, HD 1; 1713, SD 1; 27, SD 1, HD 1; and 97, SD 1, HD 1, passed Third Reading.

S.B. No. 460, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX REFUNDS," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 817, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 817, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 1740, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1740, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADJUSTING THE INCOME TAX BRACKETS," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

S.B. No. 1781, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1781, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sonson voting no, and Representatives Arakaki and Souki being excused.

S.B. No. 834, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, 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 Third Reading by a vote of 49 ayes, with Representatives Arakaki and Souki being excused.

At 3:58 o'clock p.m., the Chair noted that S.B. Nos.: 460, HD 1; 817, SD 2, HD 1; 1740, SD 1, HD 1; 1781, HD 1; and 834, SD 2, HD 1, passed Third Reading.

S.B. No. 1410, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 1410, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you. I rise in favor of this particular bill and would like to express a concern that although it is very laudable to try and help people by providing them earned income tax credit, that an increase in the standard deduction could be a greater help to these people who qualify for the EITC and several other people.

"If you will allow me, I'd like to read a couple of paragraphs from the Tax Bill Service testimony. The federal earned income tax credit provides an incentive for low-income households to remain in the workforce. Their credit is targeted to households with children. But the credit is also available at a lower amount to low income households without children. It's also based on number of tests for earned income investment and income on a number of qualifying children dependency, etc.

"It's very complex and the IRS will optionally calculate the amount of the credit for taxpayers. The IRS reports an error

rate of greater than 25% for this credit. If the intent of State lawmakers is to alleviate the burden on low- and moderate-income workers in Hawaii who claim the Federal EITC, their efforts should focus on the State income tax burden as it affects these families. Hawaii has one of the lowest thresholds of some 42 states that levy the state income tax.

"An income-tax threshold is an income level at which families begin to pay the State income tax. Despite the reduction and personal income tax rates in 1998 and the adoption of a low income tax credit, Hawaii's working poor rank with the third lowest threshold before they begin paying taxes. An increase in the standard deduction would be a far better approach to this problem than an earned income tax credit at the State level. This means more take-home pay throughout the year as opposed to waiting for the end of the year and then processing the earned income tax credit.

"Given the complexity of applying for the EITC, the standard deduction ensures that those who are least able to navigate their way through the maze of rules and regulations governing the federal EITC will be able to see the benefits of a larger standard deduction immediately in their paychecks.

"Combining an increased standard deduction together with an establishment GET credit to offset the 4% general excise tax paid by the poor, that's the low income tax credit, would create a welcomed tax relief. The Administration has indicated that it prefers an increase in the standard deductions as a means to provide relief to the low-income families.

"And as a footnote I just would like to mention that increasing the standard deduction would help 334,000 taxpayers in the State. The EITC would help about 72,000. The Earned Income Tax Credit will not help many struggling families, like retirees, the elderly, the disabled and unemployed persons with no earned income, married couples earning more than 14% with no dependents, and a single parent earning more than \$31,000.

"The Tax Review Commission, three separate Review Commissions over 20 years have said that the single most important tax relief that the State can grant to its taxpayers is an increase in the standard deduction. Thank you."

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

"I'm in support of this measure. Without commenting on the standard deduction, the figure that the Representative from Kahala gave on the error rate is out of date.

"There's been significant progress made on both tightening up the definitions on EITC and getting a system in place that helps people do their returns better. Those figures are way out of date, five or six years. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1410, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 1685, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 1685, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"On 1685, in support with a comment. I hope it can be fixed in Conference Committee. This is Relating to Tax, but it is actually allowing the State to share taxpayer's information with the counties. So the counties can collect more tax from the people. I never liked more taxes but this is taxes that are owed according to the law.

"The problem I have with the measure is that there is no non-redisclosure clause. In other words, if the State gives this information to the counties, the counties are free then to transmit it and share it to other entities. And I think we should have this non-redisclosure clause in the measure so that once the counties get it, they're not allowed to give it to anybody else. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1685, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Meyer voting no.

S.B. No. 1352, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 1352, 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. This bill comes in two parts. One part is excellent and I truly support it. It has to do with giving bone marrow, donating your bone marrow to somebody and that is a good idea. I would support it anyway I could, however, last Friday, April the 8th, an amendment was added to the bill that greatly alters its function.

"The second part of the bill deals with what the qualifications are for a job in a government agency in which employees are hired or promoted or suspended according to merit and other such instances and this should be up to the employer. And now according to this bill they're negotiable. If the bill passes, public employers would be forced to negotiate any and every one of these subjects that a public union raises. This gives the union the opportunity to actually dictate to the employer on matters that should be left solely up to management. Who is hired, who is promoted and who is transferred, all will be negotiable. Even the qualifications for the job in the first place.

"The measure's passage would greatly diminish the right of government agencies to manage their employees as they see fit. For this reason, I oppose this measure. Thank you."

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

"Thank you, Mr. Speaker, I'm rising in strong opposition to this measure. I believe that this just totally erodes management rights. I don't know how anybody can justify this. There are so many bills this Session that are one-sided, totally pro-labor and anti-private employers. And in this case, you're even talking about public employers.

"This is not a good way to go. It's something that will really create havoc and I hope that people will change their minds as this moves along into Conference. Thank you."

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

"Mr. Speaker, just very briefly in support of both parts of this bill. The bone marrow part is something that I think all of us

would support. The second part of the bill, Mr. Speaker, that was added last week, and actually has real merit to it.

"Mr. Speaker, if I can explain why it was done. On January 28, 2005, our Hawaii Supreme Court came down with an opinion issued by the Chief Justice, CJ Moon. It was United Public Workers v. Mufi Hannemann. And in that opinion they were trying to deal with the issue of what is permissive and what is mandatory in terms of topics for negotiation under collective bargaining.

"And the opinion is pretty okay for the most part, but in the last page of the opinion, what would be called dicta, is a sense that reads like this: In other words, the right to negotiate wages, hours, and conditions of employment is subject to, not balanced against, managements rights.

"The concern here is that dicta, which can be relied upon and cited to, management could argue that in fact, their rights trump the basic collective bargaining rights of wages, hours and conditions. And this legislation is to clarify that.

"Now we've seen many examples, Mr. Speaker, where the Legislature, particular on the Minority side, is not happy with how the Supreme Court rules and they introduce constitutional amendments. I think we're doing it the right way, Mr. Speaker, by trying to amend the HRS, to make it absolutely clear what is permissive and what is mandatory. And this is the first step toward this goal. And that's why I think this bill should be supportive. Thank you very much, Mr. Speaker."

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

"I stand in support with reservations. Listening to the Chair of Labor and talking about permissive and mandatory, I really have some concerns about adding that language at this time and look forward to further discussion on it. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1352, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," 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.

S.B. No. 1888, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 1888, 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. This is another 'strangling the Administration' bill, Mr. Speaker. This measure would extend the terms of the Hawaii Labor Relations Board from six to ten years. Why? Because there are a couple of members that are about to end their term and we don't want this Governor to appoint anymore, of course.

"The three people currently on the Board are holdovers from the previous Administration and will soon be up for reappointment. The bill appears to be a blatant attempt to further reduce the Governor's rightful powers by giving her fewer opportunities to appoint the members of the Labor Relations Board. We didn't do this for many years. We didn't do it with the other Administrations, but we're doing these things now. Let the people decide why.

"I believe the separation of powers was established in the U.S. Constitution, and here is yet another example of the State Legislature overstepping its authority so that it'll further its own power at the expense of the Governor's office. The Legislature may not always agree with the Governor's policies but those are not sufficient grounds for eroding the balance of powers among the three branches of government. Again, Mr. Speaker, I'm in opposition."

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

"Thank you, Mr. Speaker, in opposition. This might be more precisely be called the 'Save Chester Kunitake Bill'. Thank you."

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

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

"Thank you, Mr. Speaker. I rise in support of the measure. Mr. Speaker, I guess it shouldn't be surprising how we at times characterize bills to suit what is politically convenient. I'd like to perhaps explain a little bit of what the bill does.

"This bill relates to the term of office for those who serve as members of the Hawaii Labor Relations Board, which consists of one representative each to represent the interests of the general public, to represent the interest of management, and to represent the interest of labor. So within the Board, there is supposed to be a balance. The Board also adjudicates all private and public sector disputes in collective bargaining under Chapters 89 and 377, HRS, and occupational health and safety appeals under Chapter 396, HRS.

"All other employment appeals are currently adjudicated by the Labor and Industrial Relations Appeals Board. Again, a Board then makes decisions and has jurisdiction over labor related matters whether it relates to collective bargaining or otherwise, including worker's compensation cases.

"The term of the office for the Labor and Industrial Relations Appeals Board is 10 years. The 10-year term ensures continuity and expertise, which is very important in this specialized area. The same considerations and factors should apply to the Hawaii Labor Relations Board to ensure again uniformity and consistency in the related areas. This bill amends the current 6-year term to a 10-year term for the Hawaii Labor Relations Board.

"It's interesting that an earlier speaker indicated that this was about taking away powers from the Governor because it would affect the term of the agency of the Board members. Well, if we were to accept that, then the Legislature would be prevented from effectively amending any term of office because by doing so, somehow, we would relate or impact on the Governor's appointment powers.

"Secondly, what's interesting in this case, people again may decide to disagree, Mr. Speaker. But the current statute, that is Chapter 89-5, sub-section (c), has interesting language because it establishes a public policy and it is currently part of the law. And if I could beg your indulgence to read through the pertinent portion, it states there, 'because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provisions of

section 26-34 which limits the appointment of a member of a board or commissioned to two terms.'

"So this is not language that is being added in. This is established language in the statute and I believe the bill implements that public policy. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. It's very clear for many, many years the term has been six. Now there are a couple members there that are coming to the end of their six years. So we are in effect changing the rules of the game to satisfy certain constituents.

"You know, regardless of the language that is there. This was never done in the 11 years that I've been here and I haven't done the research to go back and find out how long this has been here. But I would bet \$100 that it hasn't been changed for at least 25 years. So, I mean, you can say what you want but this is clearly changing the rules in the middle of the game for certain people's interest. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 1888, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," 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.

S.B. No. 101, HD 1:

Representative M. Oshiro moved that S.B. No. 101, 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. Gee, I couldn't believe it. Here we are on the last page, on the last bill and it's another handcuff bill.

Vice Speaker Takai: "We've got the supplemental calendar too, as well."

Representative Moses continued, stating:

"Oh well, sorry, Mr. Speaker. Maybe I'll find some more. But this one is micromanaging at its best, and I'm speaking in opposition to S.B. 101. The contents have been replaced with new text that mandates legislative supervision or the expenditure of TANF funds. And, you know, although it may be well-intentioned, the measure imposes requirements and restriction on the department, this Department of Human Services, that may result in the loss of federal funding.

"The Brown Amendment referred to in the Finance Committee's report, requiring legislative input has been a part of this program since its exception in 1996. It's not new. The Director of the Department of Health has testified that despite the fact that the legislative input has been solicited, they have received very little legislative guidance.

"I note that the measure before you requires the Department of Health to make quarterly reports of the Legislature on March 15, June 15, September 15, December 15 of each year. I ask my fellow legislators: do you intend to be present to receive the reports in June, September and December, to receive and evaluate those reports that they are about to require?"

"Let me point out the obvious, Mr. Speaker. While the Congress of the United States meets throughout the year, we do not. The Congress may pass legislation that affects this program while we are not in Session imposing requirements of program modifications. Under this measure, the Legislature must first approve of new programs or reallocation of funding. Since we do not meet year round our failure to approve necessary changes or programs may result in the loss of funding.

"I submit that there are better ways to resolve the differences between the Administration and certain legislators because that's what it is -- a difference between the Administration and legislators. And we can resolve those differences in a better way than to place these funds at risk. Thank you."

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

"Thank you, Mr. Speaker. I vote in opposition. You know, I took a look at it and I read it and I said, this isn't so bad. And I read through the Committee Report, and then I had got to the actual bill and I have got to tell you I'm quite disappointed. I'm disappointed because I think this is a measure of harassment -- harassment on DHS, harassment on Lillian Koller. I read through this and you know we have a Department of Human Services Director that has been commented time and again in Committee talking about how innovative, what a good job that she is doing.

"She is signing up more children for eligibility in the CHIP Program. She's doing so many things to get our clients, our needy people money. She is moving forward with just doing, I mean ... talk to people that she's worked with. And then take at ... I think this is harassment. Take some time to take a look at every single page and read all of these words. I consider this harassment. I don't know what to say. She's been doing a good job. Is that the thanks that you get when you do a good job? You know, I don't think that this was in the bill when we reviewed it because if so, I'm really sorry that I didn't bring this up sooner.

"I'm at a loss for words. I really am. Take a look at this bill. Give her a break. She's been doing a good job. Let's support her and give her some opportunity. She's already made some really big strides in working for our needy.

"In one other part of this, she was the one who identified that, the TANF money, the legislature has the ability to give her some guidance on how you want to spend it and then we reward her with this. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker, in support of the measure. I'm one of those that have provided kudos to our Director of Human Services because I really do believe that she has a lot of innovative ideas, a lot of energy. And she's not afraid to try out new ideas for the benefit of Hawaii's citizens. But in this case, I think she agreed, because we did have conversations with her.

"You know, when it comes to TANF funding, we have to look at the original intent of TANF funding and it has to do with providing public assistance, temporary assistance to needy families. Now, we've done that or according to our Department, anyway. We've done that. But because our

expenditures have been going down, our welfare rolls have been going down, we have substantial savings. And the savings are both federal and general funded amounts. So the question becomes, who gets to decide how this quote, 'surplus' is to be spent.

"And admittedly she has used some of the funding for innovative ideas to fund programs that would've ordinarily gone un-funded or under-funded. But, you know, there has also been questions about the propriety or the way she has interpreted the use or the authority to use these funds. I think having gone through that and because now the federal government is looking at auditing the spending, it would be wise for the Legislature to intervene, as we are the policy-makers. We should be deciding if there are surplus funds or discretionary funds, and how those funds are to be used.

"I think in our discussion with the Director, I think, other than the performance improvement program for the child welfare system, she felt she would be open to ideas or direction from the Legislature on where the funds should be spent. So, I don't think this should be taken as a slap in her face. It should really be an assistance to her, and I really commend her for being willing to cooperate with the Legislature in making sure that we all move in the same direction and that policy direction is given when these TANF surpluses are being utilized. So, with that I think we should all support this measure. Thank you, Mr. Speaker."

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

"I rise in support of this measure. Mr. Speaker, I appreciate the Department of Human Services Director for her creativity in using TANF monies for her culture and the arts, but creativity isn't a license to ride roughshod over federal rules.

"TANF money is supposed to encourage two-parent families, reduce teen pregnancies. And at one time the Department of Human Services agreed in an *Advertiser* article last October, Lillian Koller resisted calls by human service advocates to use TANF funds to provide greater welfare assistance, affordable housing and quality childcare for needy families. She said her agency is restricted from using TANF dollars for anything but financial assistance programs. And I quote here, "It is not prudent for us as a state to go down the road of other states who literally spends out all of their TANF monies. It is a right thing to do to reserve enough so that you weather the ups and downs in the economy."

"Well, three months later, she used \$600,000 of TANF money for a variety of organizations promoting the arts in our State. In February, when Koller's Deputy was asked why the 'about face', he didn't know, and he said that he would assure the Finance Committee members that he would get back to us in writing as to the reason for this change of heart. Well, we're still waiting, waiting, and still waiting. And while we wait, let me tell you how some of the federal money was dolled out.

"TANF money was used for the Contemporary Museum to the tune of \$1,988. The Museum does wonderful work, but I don't understand how it reduces teen pregnancies. The Hawaii Theatre was given \$2,891. Honolulu Symphony Society, \$46,960. The list goes on and on. Even the UH English Department got \$10,482. I'm not too sure how any of these programs help in meeting the definition of the TANF requirements and rules.

"The Director of the Culture and the Arts, Mr. Yamakawa, told the Finance Committee members that about 60% of the programs funded through TANF may have a nexus between bettering families and reducing teen pregnancies. But what

does that mean? It means that 40% of arts programs funded by TANF do not fall within the federal rules, at least in his opinion. And as we continue to wait for answers the Feds are coming to town. They're coming to town to do an audit to find more answers for their questions. And I find it ironic that in the eight years of the TANF being in existence, this is the first time that it is being scrutinized by the federal government. And while we wait for those results, this bill provides us some reasonable legislative oversight of TANF funds. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. The previous speaker referred to the audit and also the Chair of the Health Committee made the same comment. To me, it's putting the 'cart before the horse' to try to design a piece of legislation that's based on an audit that's going to show findings of fault, when we have no idea that that's the case.

"In fact, we've had federal officials right here in Hawaii who quite strongly pointed out that the TANF funding requirements are broadly interpreted and should be. That's the way the program is designed. And furthermore, the Representative from Salt Lake quoted specifically that that is the way the TANF program is run in other states. That was part of his statement.

"In hearing all this criticism about Lillian Koller ask the question, how much additional federal money has she been able to secure for Hawaii under the TANF Program; money that she aggressively went out and sought, that previously had not been coming to the State of Hawaii. And the figure I got was \$113 million. That's quite a substantial amount of money. Thank you."

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

"In opposition, just in rebuttal to the Representative from Moanalua. The Representative from Moanalua/Salt Lake specifically focused on how funds were spent, specifically saying that funds were spent for purposes that it was not intended for. I feel like before we start throwing stones in this Body, Mr. Speaker, we should remind ourselves of all the funds that we have raided and spent in the general fund for purposes that it wasn't intended for.

"Just to give an example, we raided a quarter of a billion dollars from funds that were intended, Mr. Speaker, for affordable housing. None of that money was used for affordable housing and that's just one example. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support and I would like to address three areas. First of all, when there was discussion regarding getting input, it was brought to our attention that in the HRS Section 34-14.5, which involves a Financial Assistance Advisory Council. There's a Council, Mr. Speaker, already in existence that apparently was tasked with rendering advice and information to DHS on the matters relating to financial assistance programs, including rendering advice and information for the determination of the amount of benefit payments under programs such as TANF. There has been that Council available, Mr. Speaker.

"It was also brought to our attention that in the prior Administration they were, I guess, sought for advice four times a year. I think that under this Administration it was reported

that they were only asked only once -- that's once. Okay, so if they wanted innovative ideas there was access to that.

"Let me address another issue that I think the Members would be quite interested in regarding the openness and communication. This is a letter that I just recently received from our Department of Attorney General. Members, under Chapter 346, under HRS, the Department of Human Services does not, I say does not, have any specific requirements regarding inquiries from individual legislators. Currently, we ask for information, we may not get it. It further goes that no statutory requirement imposed on the Department of Human Services to respond to inquiries from a legislator or anyone else within a specific time period, except requested for inspection and copying of a government record as described in Chapter 92F.

"This is a bill, Mr. Speaker, that's talking about transparency. Okay? What is transparency? Some economists reckon that transparency is one of the most effective methods of regulation. If you don't believe me, read *The Economist*.

"Another issue; accountability, Mr. Speaker. In *Barron's Dictionary of Business Terms* it states, that accountability is a framework for justifying management organizational actions, whether they are financial or employment related.

"If I remember in our Governor's *New Beginnings*, she talks about designing a performance-based budget that shows that public how we are spending the money and making our government more efficient. Mr. Speaker, this is what we're trying to do. This bill will unshackle and give the Director the ability to use money so long they are quarterly responding back to us, which is our fiduciary responsibility, Mr. Speaker.

"Let's keep the record straight. Are we going to ask and get input? Or are we going to just sit back and watch money be spent and not be accountable? Thank you."

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

"Thank you, Mr. Speaker, in support. First I'd like to make some comments that seems to indicate that there's accounts of conflict, personal accounts, like between particular legislators and the Director. I hope that that's not true. Within the Committee on Human Services, we have been very, very good at communicating with the Director. And it was stated earlier, she is very energetic and keeps on giving a lot of information and more and more information. And sometimes, we run out of time. And sometimes the result of running out of time is that we don't get all the information we want.

"Maybe, some of the Members that spoke up regarding her innovation and her ability to look for more federal funding and finally came out with a \$113 million. I'd like this Body to note that this \$113 million really is a \$118 million. It's not money that she found. It's actually money that's within her jurisdiction. And granted, it has been accumulating there since '01, '02, '03 and '04. And as was last reported on December of '04, I believe that it was \$118 million in reserve.

"This money is not new money. This is money that she did not bring in. This is money that is a result of the reduction in the welfare rolls. There's merely a reduction in the clientele or the people that are receiving TANF funds because there is a 5-year limit for them to receive these funds. And because the Department has not been able to use this money as they have the right to do so, as been appropriated by the Legislature, a reserve has been accumulated.

"A question that we've been dealing with in this particular Session is, who has the right to appropriate this \$118 million? Does the Administration, having unilateral powers to do so? And they answer after so many months of seeking information regarding the status of this reserve is, no. The law states that it has to be re-appropriated, that's one.

"Two, it is also now clear that the ceiling that we provide to the Department which is \$98 million of federal funds cannot be exceeded. Therefore they do not have the right to spend this money as they had planned to do so.

"So, although we are late in coming and getting this information and now probably they are saying, why didn't you do something about it then? Well, I don't know. But you know, we are doing something about it now. We are going to fulfill our legislative role and duty in to make sure that these federal funds will be appropriated as the Brown Amendment has clearly indicated in federal statute. It must be appropriated by the Legislature in a legislative process. That is clear, it is in writings. It's in black and white, and it cannot be dismissed as if it's like we are not going to comply with that. So the provision in this bill regarding funding, and regarding the restriction on how to use these funds clearly follows the Brown Amendment and the intent of that law.

"There is something, though, that I believe it does go a little too far and I admit that it is something that we need to discuss. It's probably the elimination of Section 9 and 10 on page 13, regarding restrictions and the use of general funds and also state funds in fulfilling its purpose. I don't think that we should shackle ourselves, the legislators, in how and when and which purpose to use these funds for. Clearly, the federal law already has an outline on the four purposes of which"

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

Representative Sonson continued, stating:

"Thank you very much, Representative. Thank you, Mr. Speaker. I'm actually almost done. The objection to this bill is going to arguments regarding personal relationship with the Director. And I want to dismiss that. I want to ensure this Body and the audience that is listening that, most especially the Committee on Human Services, is very open to conversation with the other Committees involved, especially the Finance Committee and also the Director in the Department of Human Services. We would like to participate in the, I guess, appropriations of these funds and she has invited us to do so.

"I think we can work out a partnership and a relationship such that we can provide the help that is the help that is outlined in the TANF legislation and we can do so together. Thank you, and hopefully that we can support this bill and come up with a perfect product in the end. Thank you."

Representative Stonebraker then called for the previous question.

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, would you like to submit written comments?"

Representative Finnegan rose to respond, stating:

"I'd like to actually make some comments. Thank you. You know, TANF and the spending of TANF is very confusing. I've spent hours upon hours of questioning DHS, the individuals members of DHS, as well as a lot of people within DHS to find out exactly what are we doing and how does this hinder, you

know, the functioning? And are we being pragmatic? And I'm taking a look at what is being said.

"The Representative from Salt Lake takes two quotes that Lillian Koller has made -- the Director of Human Services has made. There's two sections of TANF funding. There's the first section that talks about the reserves that can only be spent on cash payments. There's the second section of TANF funds, which is the second section of TANF funds, which is the actual funds that you can use in the 4 purposes. I can fathom her making a comment about needing to make sure that we have some reserves in the cash payment section and I can also fathom her talking about the flexibilities on the second part. So, basically, both of those things can be true because, like we said, TANF is complicated.

"Now, the other part is we're talking about how to spend the TANF funds. Well, in order to spend the TANF funds for the needy and for cash payments, we as a Legislature, because of how this is handled, we need to spend more general funds. What does that mean? We have to spend more general funds to allow cash assistance payments from the reserve funds to go up. Where is our commitment to do that? Do we have it in our budget to do that? Whatever the millions and millions of dollars is? I haven't seen anything yet that says we have that commitment to do that. But we could. We don't have it yet.

"How does TANF work? There are time and time again, Lillian Koller in meetings that we've had from the beginning of Session, even prior to Session when we were having informational briefings. Time and time again, she has said, 'Legislators, tell me how you want to spend the money and we will try and figure out how to get it where you want it to go.' But if you come in and step in and say, 'I want to do it this way.' It may not work for us and we have to figure out if we can or cannot do it. That's what she's asking for. She's asking for that flexibility. Some of the measures in here talk about how the transferring of funds and maybe possibly interfering with some transfer of funds that the Department has to do.

"Some of the transfers that she has done had to do with money savings that was made from the Department of Human Service level transferred over to the Department of Health because they needed more money for a federal mandate that had to do with the DD/MR population; getting them into situations within the community where they can live and giving them their choice of where to live.

"This is just part of the things that I would like to speak about but I just wanted to rebut. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

At 4:43 o'clock p.m., the Chair noted that S.B. Nos.: 1410, SD 1, HD 1; 1685, SD 2, HD 1; 1352, SD 1, HD 1; 1888, SD 1, HD 1; and 101, HD 1, passed Third Reading.

SUPPLEMENTAL CALENDAR #1

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1635) recommending that H.R. No. 33, 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. 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 adopted, with Representatives Caldwell and Nakasone being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1636) recommending that H.C.R. No. 41, 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. 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 adopted, with Representatives Caldwell and Nakasone being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1637) recommending that H.R. No. 135, 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. 135, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A TASK FORCE TO DEVELOP AN ACTION PLAN TO INCORPORATE SUSTAINABLE NATURAL RESOURCE DEVELOPMENT OBJECTIVES AND GOALS IN THE HAWAII STATE PLANNING ACT," was adopted, with Representatives Caldwell and Nakasone being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1638) recommending that H.C.R. No. 183, 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. 183, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A TASK FORCE TO DEVELOP AN ACTION PLAN TO INCORPORATE SUSTAINABLE NATURAL RESOURCE DEVELOPMENT OBJECTIVES AND GOALS IN THE HAWAII STATE PLANNING ACT," was adopted, with Representatives Caldwell and Nakasone being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1639) recommending that H.R. No. 76, 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. 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 adopted, with Representatives Caldwell and Nakasone being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1640) recommending that H.C.R. No. 101, 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. 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 adopted, with Representatives Caldwell and Nakasone being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1641) recommending that H.R. No. 21, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1642) recommending that H.C.R. No. 18, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 21, HD 1, and H.C.R. No. 18, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising, I guess, with some reservations on Stand. Com. Report 1641 and 1642. I don't have the resolution here but the title, Encouraging the Department of Education, Board of Education, Hawaii Association of Independent Schools to Evaluate Liability and Consider Policies that would Allow School Community Councils the Choice of Establishing an Edible Garden Program at their Schools. I mean, that to me just seems like that's something that any school could decide if they want to grow an herb garden. I mean, to have a resolution, it just seems like a little bit over the top and not necessary. Thank you."

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

"Thank you, Mr. Speaker, in strong support. Democracy. I support very strongly the position to have edible gardens in our public schools. And part of the reason I do that is because when I was an educator at Maemae Elementary School in my district, oftentimes we did have gardens, which children were able to participate in growing a *lo'i* for instance, and were able to make poi, of course. And I also see the immense benefits of children seeing something grow and often may learn by doing. And in fact, I'd say that's one of the best ways to learn --is to learn by doing.

"When children are able to watch something grow and to have a part in it and also see it actually come to the table and learn about healthy foods, you're teaching them about a whole array of different subjects. In fact, if I were to use an example of my cacao plant. The cacao plant, they could go into the history of the cacao plant. You know, there's just a host of things that they learn from. And unfortunately, although private schools very much support edible gardens and there has been a myriad of studies to support it. I see a gap, in that,

private schools are doing a lot of it but our public schools do not.

"And I know that what came up in Committee was that the DOE does have some concerns about liability. But if that's the case, I would like to have that discussed instead of talking about whether or not individual schools do it. Because the fact is that the policies of generally the schools, I know, in my district, is that they have to check. In fact, we've been offering trees to our district schools and unfortunately the DOE, I have to check with them, can't have the trees."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 21, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, BOARD OF EDUCATION, AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO EVALUATE THE LIABILITY OF AND CONSIDER POLICIES THAT WOULD ALLOW THE SCHOOL COMMUNITY COUNCILS THE CHOICE OF ESTABLISHING AN EDIBLE GARDEN PROGRAM AT THEIR SCHOOLS IN THE SPIRIT OF ACT 51," was adopted, with Representatives Caldwell and Nakasone being excused; and

H.C.R. No. 18, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, BOARD OF EDUCATION, AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO EVALUATE THE LIABILITY OF AND CONSIDER POLICIES THAT WOULD ALLOW THE SCHOOL COMMUNITY COUNCILS THE CHOICE OF ESTABLISHING AN EDIBLE GARDEN PROGRAM AT THEIR SCHOOLS IN THE SPIRIT OF ACT 51," was adopted, with Representatives Caldwell and Nakasone being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1643) recommending that H.R. No. 130, as amended in HD 1, be adopted.

(Stand. Com. Rep. No. 1644) recommending that H.C.R. No. 175, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 130, HD 1, and H.C.R. No. 175, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of both measures 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.R. 130 and H.C.R. 175, requesting the Department of Human Service to implement a pilot public-private partnership program with the Hawaii Association of Independent Schools and Hawaii Catholic Schools Department with the goal of allowing the Hawaii Association of Independent Schools and Hawaii Catholic Schools Department to self-regulate and manage their private preschools.

"As we find ourselves in the midst of trying to improve Hawaii's education, I can think of no better way to assist private schools in something they have a positive history of doing, than to allow them to have a greater responsibility in their preschool regulation and management. By allowing private schools to self-regulate and manage their own preschools, we provide

them with the necessary tools to be flexible, efficient, and effective. We equip the private schools with these capabilities and yet still retain the necessary oversight mechanism to ensure compliance with State laws and regulations. Such a partnership would free up DHS to expend much of its energy and resources elsewhere, while maintaining the quality control that the State should be responsible for. This is a public-private partnership that is mutually beneficial to all involved parties. 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. 130, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PUBLIC-PRIVATE PARTNERSHIP PROGRAM WITH THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT TO SELF-REGULATE AND MANAGE THEIR PRIVATE PRESCHOOLS," was adopted, with Representatives Caldwell and Nakasone being excused; and

H.C.R. No. 175, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PUBLIC-PRIVATE PARTNERSHIP PROGRAM WITH THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT TO SELF-REGULATE AND MANAGE THEIR PRIVATE PRESCHOOLS," was adopted, with Representatives Caldwell and Nakasone being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1645) recommending that H.R. No. 201, 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. 201, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM FOR VOLUNTEERS IN EACH SCHOOL DISTRICT AND ACROSS THE STATE," was adopted, with Representatives Caldwell and Nakasone being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1646) recommending that H.C.R. No. 273, 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. 273, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM FOR VOLUNTEERS IN EACH SCHOOL DISTRICT AND ACROSS THE STATE," was adopted, with Representatives Caldwell and Nakasone being excused.

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 a certain House bill. (Representative Nakasone was 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 the following House bill, seconded by Representative B. Oshiro and carried. (Representative Nakasone was excused.)

H.B. No. 624, SD 1

FINAL READING

The following bill was taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bill, seconded by Representative B. Oshiro and carried. (Representative Nakasone was excused.)

H.B. No. 624, SD 1

H.B. No. 624, SD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, H.B. No. 624, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Final Reading by a vote of 50 ayes, with Representative Nakasone being excused.

At 4:49 o'clock p.m., the Chair noted that H.B. No. 624, SD 1, passed Final Reading.

ANNOUNCEMENT

Representative Berg: "Thank you, Mr. Speaker. This is regarding the Foodbank. We have ten more days and I wanted to remind our colleagues that on Wednesday at 11:30 a.m., in front of Room 423, Representative Oshiro's office is having a bento lunch sale.

"And on Friday, in Room 312 at 11:30 a.m., there's the "It's Chili in the Legislature" cook-off. So, we welcome everybody here. And at the moment, HMSO is in 1st place regarding donations, with Representative Karamatsu's office in 2nd place. Representative Chang's office is in 3rd. And the Clerk's Office is in 4th place. Thank you."

ADJOURNMENT

At 4:50 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, Thursday, April 14, 2005. (Representative Nakasone was excused.)

HOUSE COMMUNICATION

House Communication dated April 12, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor of the State of Hawaii, 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 of the following Senate Bill, and that said measure passed Third Reading in the Hawaii House of Representatives on this date.

S.B. No. 1256, HD 1, entitled:

"PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS."

House Communication dated April 12, 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. 584, H.D. 1, S.D. 1
H.B. No. 868, H.D. 2, S.D. 1
H.B. No. 1154, H.D. 1, S.D. 2

House Communication dated April 12, 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 4, 2005, and has this day agreed to the amendments and passed said bill on Final Reading:

H.B. No. 624, S.D. 1

FORTY-EIGHTH DAY

Thursday, April 14, 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 Reverend Ai Hironaka of Aiea Hongwanji Mission, after which the Roll was called showing all members present with the exception of Representatives Cabanilla and M. Oshiro, 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-Seventh, Thirty-Eighth, Thirty-Ninth, Fortieth, Forty-First and Forty-Second Days were approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 190 and 191) were received and announced by the Clerk:

Gov. Msg. No. 190, informing the House that on April 14, 2005, the following bill was signed into law:

H.B. No. 291, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEE ON PESTICIDES." (ACT 004)

Gov. Msg. No. 191, informing the House that on April 14, 2005, the following bill was signed into law:

H.B. No. 78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES." (ACT 005)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 461 through 648) were received and announced by the Clerk:

Sen. Com. No. 461, transmitting S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DAMON ESTATE TO CONSIDER DEDICATING MOANALUA GARDENS AND KAMANANUI VALLEY TO MOANALUA GARDENS FOUNDATION AND ASSISTING MOANALUA GARDENS FOUNDATION IN SETTING UP AN ENDOWMENT TO ENSURE THE GARDENS REMAIN AVAILABLE FOR PUBLIC USE," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 462, transmitting S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 463, transmitting S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR ALCOHOL AND DRUG ABUSE SCREENING IN EMERGENCY ROOMS," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 464, transmitting S.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION STUDY THE STANDARDS OF ACHIEVEMENT UTILIZED BY OTHER JURISDICTIONS TO MEET THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 465, transmitting S.C.R. No. 103, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR CONCERNING THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 466, transmitting S.C.R. No. 111, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EMERGENCY CONTRACEPTION INTERAGENCY WORK GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 467, transmitting S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE REGULATION OF CHECK CASHERS," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 468, transmitting S.C.R. No. 144, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO DO A STUDY ON MEDICAL MALPRACTICE INSURANCE," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 469, transmitting S.C.R. No. 155, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII TOURISM AUTHORITY TO CONVENE A WORK GROUP OF INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF HOSTING AN INTERNATIONAL PACIFIC ASIAN YOUTH BASEBALL LEAGUE CHAMPIONSHIP TOURNAMENT IN THE STATE," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 470, transmitting S.C.R. No. 167, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 471, transmitting S.C.R. No. 197, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A MEDICAL MARIJUANA WORKING GROUP TO MAKE RECOMMENDATIONS TO IMPROVE HAWAII'S MEDICAL MARIJUANA PROGRAM," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 472, transmitting S.C.R. No. 222, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHARTER SCHOOL ADMINISTRATIVE OFFICE TO COORDINATE A REVIEW TO ASSESS THE IMPACTS OF HAWAIIAN-FOCUSED CHARTER SCHOOLS ON HAWAIIAN

STUDENT PERFORMANCE," which was adopted by the Senate on April 12, 2005.

Sen. Com. No. 473, transmitting H.B. No. 437, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF AN INTOXICANT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 474, transmitting H.B. No. 582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILD CENTER-HAWAII," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 475, transmitting H.B. No. 684, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH EMERGENCY AMBULANCE SERVICE CONTRACTS COLLECTIVE BARGAINING COSTS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 476, transmitting H.B. No. 1222, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 477, transmitting H.B. No. 1305, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 478, transmitting H.B. No. 19, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR HOUSING UNITS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 479, transmitting H.B. No. 20, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 480, transmitting H.B. No. 31, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 481, transmitting H.B. No. 85, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 482, transmitting H.B. No. 97, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 483, transmitting H.B. No. 99, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 484, transmitting H.B. No. 100, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 485, transmitting H.B. No. 106, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 486, transmitting H.B. No. 109, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 487, transmitting H.B. No. 115, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 488, transmitting H.B. No. 128, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 489, transmitting H.B. No. 138, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOOKMOBILES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 490, transmitting H.B. No. 140, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 491, transmitting H.B. No. 150, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 492, transmitting H.B. No. 155, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 493, transmitting H.B. No. 160, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 494, transmitting H.B. No. 162, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 495, transmitting H.B. No. 164, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 496, transmitting H.B. No. 168, H.D. 2, 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 April 12, 2005.

Sen. Com. No. 497, transmitting H.B. No. 222, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 498, transmitting H.B. No. 244, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 499, transmitting H.B. No. 250, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING

COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 500, transmitting H.B. No. 251, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 501, transmitting H.B. No. 252, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 502, transmitting H.B. No. 253, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 503, transmitting H.B. No. 254, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 504, transmitting H.B. No. 255, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 505, transmitting H.B. No. 256, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 506, transmitting H.B. No. 257, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 507, transmitting H.B. No. 258, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 508, transmitting H.B. No. 259, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 509, transmitting H.B. No. 260, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 510, transmitting H.B. No. 261, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 511, transmitting H.B. No. 262, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING

COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 512, transmitting H.B. No. 263, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 513, transmitting H.B. No. 278, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 514, transmitting H.B. No. 283, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR SENATOR HIRAM L. FONG," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 515, transmitting H.B. No. 325, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 516, transmitting H.B. No. 328, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF DEVELOPMENT RIGHTS OF AGRICULTURAL LANDS IN WAHIAWA," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 517, transmitting H.B. No. 330, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 518, transmitting H.B. No. 332, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FROZEN FOOD PRODUCTS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 519, transmitting H.B. No. 384, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 520, transmitting H.B. No. 390, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 521, transmitting H.B. No. 393, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 522, transmitting H.B. No. 408, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 523, transmitting H.B. No. 416, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 524, transmitting H.B. No. 422, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 525, transmitting H.B. No. 429, H.D. 1, S.D. 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," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 526, transmitting H.B. No. 434, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM WITNESS ASSISTANCE PROGRAMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 527, transmitting H.B. No. 438, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 528, transmitting H.B. No. 447, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 529, transmitting H.B. No. 450, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 530, transmitting H.B. No. 460, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 531, transmitting H.B. No. 466, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 532, transmitting H.B. No. 471, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 533, transmitting H.B. No. 477, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 534, transmitting H.B. No. 488, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 535, transmitting H.B. No. 491, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MAKENA STATE BEACH PARK," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 536, transmitting H.B. No. 500, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 537, transmitting H.B. No. 502, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES REQUIRING IMPOSITION OF INCREASED PENALTIES FOR SUBSEQUENT OFFENSES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 538, transmitting H.B. No. 505, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 539, transmitting H.B. No. 516, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY HEALTH POWERS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 540, transmitting H.B. No. 551, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 541, transmitting H.B. No. 556, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR WIRELESS ENHANCED 911," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 542, transmitting H.B. No. 588, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 543, transmitting H.B. No. 606, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR NET METERED RENEWABLE ENERGY SYSTEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 544, transmitting H.B. No. 631, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 545, transmitting H.B. No. 683, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 546, transmitting H.B. No. 685, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 547, transmitting H.B. No. 704, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 548, transmitting H.B. No. 758, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 549, transmitting H.B. No. 769, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 550, transmitting H.B. No. 792, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 551, transmitting H.B. No. 835, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME

SHARING PLANS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 552, transmitting H.B. No. 841, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 553, transmitting H.B. No. 842, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF BONDS FOR EDUCATION PURPOSES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 554, transmitting H.B. No. 843, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 555, transmitting H.B. No. 844, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 556, transmitting H.B. No. 852, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 557, transmitting H.B. No. 862, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 558, transmitting H.B. No. 863, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 559, transmitting H.B. No. 864, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 560, transmitting H.B. No. 875, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 561, transmitting H.B. No. 906, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 562, transmitting H.B. No. 912, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 563, transmitting H.B. No. 919, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 564, transmitting H.B. No. 931, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 565, transmitting H.B. No. 938, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD

PROTECTIVE SERVICES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 566, transmitting H.B. No. 954, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR AGRICULTURAL INFRASTRUCTURE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 567, transmitting H.B. No. 955, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING FACILITIES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 568, transmitting H.B. No. 957, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 569, transmitting H.B. No. 997, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 570, transmitting H.B. No. 998, H.D. 2, 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 April 12, 2005.

Sen. Com. No. 571, transmitting H.B. No. 1015, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 572, transmitting H.B. No. 1017, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 573, transmitting H.B. No. 1029, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 574, transmitting H.B. No. 1051, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 575, transmitting H.B. No. 1060, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 576, transmitting H.B. No. 1082, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 577, transmitting H.B. No. 1132, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 578, transmitting H.B. No. 1136, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 579, transmitting H.B. No. 1146, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 580, transmitting H.B. No. 1152, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 581, transmitting H.B. No. 1200, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 582, transmitting H.B. No. 1214, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 583, transmitting H.B. No. 1224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 584, transmitting H.B. No. 1235, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL ALLOWANCES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 585, transmitting H.B. No. 1236, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 586, transmitting H.B. No. 1238, H.D. 1, S.D. 2, 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 April 12, 2005.

Sen. Com. No. 587, transmitting H.B. No. 1276, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 588, transmitting H.B. No. 1278, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 589, transmitting H.B. No. 1280, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 590, transmitting H.B. No. 1295, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 591, transmitting H.B. No. 1300, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 592, transmitting H.B. No. 1301, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 593, transmitting H.B. No. 1303, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 594, transmitting H.B. No. 1304, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 595, transmitting H.B. No. 1308, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 596, transmitting H.B. No. 1309, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 597, transmitting H.B. No. 1317, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 598, transmitting H.B. No. 1318, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 599, transmitting H.B. No. 1320, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY 911," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 600, transmitting H.B. No. 1331, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR JACOBY DEVELOPMENT INC.," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 601, transmitting H.B. No. 1360, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WAIALUA AGRIBUSINESS INCUBATOR," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 602, transmitting H.B. No. 1378, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 603, transmitting H.B. No. 1393, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 604, transmitting H.B. No. 1433, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 605, transmitting H.B. No. 1442, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LATERAL PUBLIC ACCESS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 606, transmitting H.B. No. 1461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 607, transmitting H.B. No. 1462, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 608, transmitting H.B. No. 1465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 609, transmitting H.B. No. 1476, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 610, transmitting H.B. No. 1528, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 611, transmitting H.B. No. 1536, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 612, transmitting H.B. No. 1548, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 613, transmitting H.B. No. 1550, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 614, transmitting H.B. No. 1554, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 615, transmitting H.B. No. 1555, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HUALALAI ACADEMY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 616, transmitting H.B. No. 1556, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 617, transmitting H.B. No. 1590, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FILM AND DIGITAL MEDIA INDUSTRY," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 618, transmitting H.B. No. 1594, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 619, transmitting H.B. No. 1595, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 620, transmitting H.B. No. 1596, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING

COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 621, transmitting H.B. No. 1597, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 622, transmitting H.B. No. 1598, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 623, transmitting H.B. No. 1599, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 624, transmitting H.B. No. 1605, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 625, transmitting H.B. No. 1608, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 626, transmitting H.B. No. 1614, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE PERSONNEL," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 627, transmitting H.B. No. 1640, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 628, transmitting H.B. No. 1641, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 629, transmitting H.B. No. 1645, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 630, transmitting H.B. No. 1657, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST HOKU SCIENTIFIC," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 631, transmitting H.B. No. 1659, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 632, transmitting H.B. No. 1666, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 633, transmitting H.B. No. 1668, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 634, transmitting H.B. No. 1672, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 635, transmitting H.B. No. 1713, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 636, transmitting H.B. No. 1728, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 637, transmitting H.B. No. 1733, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 638, transmitting H.B. No. 1740, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 639, transmitting H.B. No. 1745, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REPORTS TO THE LEGISLATURE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 640, transmitting H.B. No. 1747, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGNS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 641, transmitting H.B. No. 1749, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 642, transmitting H.B. No. 1750, S.D. 2, 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 April 12, 2005.

Sen. Com. No. 643, transmitting H.B. No. 1758, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 644, transmitting H.B. No. 1763, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 645, transmitting H.B. No. 1784, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," which passed Third Reading in the Senate on April 12, 2005.

Sen. Com. No. 646, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 98,
HD 2, SD 1
Chair: Kokubun
Co-Chair: English
Member: Hemmings

H.B. No. 125,
HD 2, SD 1
Chair: Kokubun
Co-Chair: Hooser
Members: Fukunaga, Hemmings

H.B. No. 169,
HD 1, SD 1
Chair: Kokubun
Co-Chair: English
Member: Hemmings

H.B. No. 553,
HD 1, SD 1
Chair: Hanabusa
Members: English, Hee, Slom

H.B. No. 833,
HD 1, SD 1
Chair: Hanabusa
Members: English, Hee, Whalen

H.B. No. 1413,
HD 1, SD 1
Chair: Hanabusa
Members: Hee, Whalen

Sen. Com. No. 647, 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. 561,
SD 1, HD 1
Chair: Chun Oakland
Co-Chair: Taniguchi
Members: Fukunaga, Whalen

S.B. No. 956,
SD 1, HD 1
Chair: Kokubun
Co-Chair: English
Member: Hemmings

S.B. No. 1253,
SD 1, HD 1
Chair: Sakamoto
Co-Chair: Hooser
Members: Nishihara, Hogue

S.B. No. 1451,
SD 2, HD 1
Chair: Kokubun
Co-Chair: Taniguchi
Member: Hemmings

S.B. No. 1461,
SD 2, HD 1
Chair: Kokubun
Co-Chair: Taniguchi
Member: Hemmings

S.B. No. 1473,
SD 1, HD 1
Chair: Baker
Co-Chair: Kokubun
Members: Chun Oakland, Fukunaga, Whalen

S.B. No. 1636,
SD 2, HD 1
Chair: Sakamoto
Co-Chairs: Kanno, Taniguchi
Member: Hogue

S.B. No. 1650,
SD 2, HD 1
Chair: Sakamoto
Co-Chair: Taniguchi
Members: Nishihara, Tsutsui, Hogue

S.B. No. 1732,
SD 1, HD 1
Chair: Inouye
Co-Chair: Taniguchi
Members: Espero, Kanno, Whalen

S.B. No. 1883,
SD 2, HD 1
Chair: Kokubun
Co-Chair: Taniguchi
Member: Hemmings

S.B. No. 1893,
HD 1
Chair: Kokubun
Co-Chairs: English, Hanabusa
Member: Hemmings

Sen. Com. No. 648, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 3 S.D. 2, H.D. 2
 S.B. No. 40, S.D. 1, H.D. 1
 S.B. No. 76, S.D. 1, H.D. 1
 S.B. No. 122, S.D. 1, H.D. 3
 S.B. No. 556, S.D. 2, H.D. 2
 S.B. No. 621, H.D. 1
 S.B. No. 698, H.D. 1
 S.B. No. 797, S.D. 1, H.D. 1
 S.B. No. 801, S.D. 2, H.D. 1
 S.B. No. 960, H.D. 1
 S.B. No. 1235, H.D. 1
 S.B. No. 1262, S.D. 1, H.D. 2
 S.B. No. 1267, S.D. 2, H.D. 2
 S.B. No. 1268, S.D. 2, H.D. 2
 S.B. No. 1427, S.D. 1, H.D. 2
 S.B. No. 1453, S.D. 2, H.D. 1
 S.B. No. 1483, S.D. 1, H.D. 1
 S.B. No. 1554, S.D. 1, H.D. 2
 S.B. No. 1661, S.D. 2, H.D. 2
 S.B. No. 1695, S.D. 2, H.D. 2
 S.B. No. 1854, S.D. 1, H.D. 2
 S.B. No. 1872, H.D. 1

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative Ito and carried: (Representatives Cabanilla and M. Oshiro were excused.)

H.B. No. 19, H.D. 2
 H.B. No. 20
 H.B. No. 31, H.D. 2
 H.B. No. 85, H.D. 2
 H.B. No. 97, H.D. 2
 H.B. No. 99, H.D. 1
 H.B. No. 100, H.D. 1
 H.B. No. 106, H.D. 3
 H.B. No. 109, H.D. 1
 H.B. No. 115, H.D. 1
 H.B. No. 128, H.D. 2
 H.B. No. 138, H.D. 1
 H.B. No. 140, H.D. 1
 H.B. No. 150, H.D. 2
 H.B. No. 155, H.D. 1
 H.B. No. 160, H.D. 2
 H.B. No. 162, H.D. 2
 H.B. No. 164, H.D. 1
 H.B. No. 168, H.D. 2
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 H.B. No. 278, H.D. 1
 H.B. No. 283, H.D. 1
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 H.B. No. 330, H.D. 1
 H.B. No. 332, H.D. 1
 H.B. No. 384, H.D. 2
 H.B. No. 390, H.D. 1

H.B. No. 393, H.D. 1
 H.B. No. 408, H.D. 2
 H.B. No. 416, H.D. 2
 H.B. No. 422, H.D. 2
 H.B. No. 429, H.D. 1
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 H.B. No. 447, H.D. 1
 H.B. No. 450, H.D. 2
 H.B. No. 460, H.D. 2
 H.B. No. 466, H.D. 2
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 H.B. No. 477, H.D. 1
 H.B. No. 488
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 H.B. No. 500, H.D. 2
 H.B. No. 502, H.D. 1
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 H.B. No. 516, H.D. 2
 H.B. No. 551, H.D. 1
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 H.B. No. 704, H.D. 1
 H.B. No. 758, H.D. 2
 H.B. No. 769, H.D. 3
 H.B. No. 792, H.D. 1
 H.B. No. 835, H.D. 2
 H.B. No. 841
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 H.B. No. 843, H.D. 1
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 H.B. No. 1017, H.D. 3
 H.B. No. 1029
 H.B. No. 1051, H.D. 2
 H.B. No. 1060, H.D. 2
 H.B. No. 1082, H.D. 3
 H.B. No. 1132, H.D. 1
 H.B. No. 1136, H.D. 3
 H.B. No. 1146, H.D. 1
 H.B. No. 1152, H.D. 1
 H.B. No. 1200, H.D. 2
 H.B. No. 1214, H.D. 2
 H.B. No. 1224
 H.B. No. 1235, H.D. 1
 H.B. No. 1236
 H.B. No. 1238, H.D. 1
 H.B. No. 1276, H.D. 3
 H.B. No. 1278, H.D. 2
 H.B. No. 1280, H.D. 1
 H.B. No. 1295, H.D. 2
 H.B. No. 1300, H.D. 2
 H.B. No. 1301, H.D. 1

H.B. No. 1303, H.D. 2
 H.B. No. 1304, H.D. 1
 H.B. No. 1308, H.D. 1
 H.B. No. 1309, H.D. 2
 H.B. No. 1317, H.D. 1
 H.B. No. 1318, H.D. 1
 H.B. No. 1320, H.D. 1
 H.B. No. 1331, H.D. 1
 H.B. No. 1360, H.D. 2
 H.B. No. 1378, H.D. 1
 H.B. No. 1393, H.D. 2
 H.B. No. 1433
 H.B. No. 1442, H.D. 2
 H.B. No. 1461
 H.B. No. 1462
 H.B. No. 1465
 H.B. No. 1476, H.D. 1
 H.B. No. 1528, H.D. 2
 H.B. No. 1536, H.D. 1
 H.B. No. 1548, H.D. 1
 H.B. No. 1550, H.D. 1
 H.B. No. 1554, H.D. 2
 H.B. No. 1555, H.D. 1
 H.B. No. 1556, H.D. 1
 H.B. No. 1590, H.D. 2
 H.B. No. 1594
 H.B. No. 1595
 H.B. No. 1596
 H.B. No. 1597
 H.B. No. 1598
 H.B. No. 1599
 H.B. No. 1605, H.D. 1
 H.B. No. 1608, H.D. 1
 H.B. No. 1614, H.D. 1
 H.B. No. 1640, H.D. 3
 H.B. No. 1641, H.D. 1
 H.B. No. 1645, H.D. 1
 H.B. No. 1657, H.D. 1
 H.B. No. 1659, H.D. 1
 H.B. No. 1666, H.D. 1
 H.B. No. 1668
 H.B. No. 1672
 H.B. No. 1713, H.D. 1
 H.B. No. 1728, H.D. 1
 H.B. No. 1733, H.D. 2
 H.B. No. 1740, H.D. 1
 H.B. No. 1745, H.D. 1
 H.B. No. 1747, H.D. 1
 H.B. No. 1749, H.D. 2
 H.B. No. 1750
 H.B. No. 1758, H.D. 1
 H.B. No. 1763, H.D. 2
 H.B. No. 1784, H.D. 2

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 32) was received by the Clerk and was placed on file:

Dept. Com. No. 32, from Trustee Haunani Apoliona, Chairperson, Board of Trustees, Office of Hawaiian Affairs, transmitting the Resolution supporting the enactment of Senate Bill 147, Native Hawaiian Government Reorganization Act of 2005.

INTRODUCTION

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

Representative Thielen introduced 6th grade students from Le Jardin Academy, accompanied by teacher, Mrs. Brandy Sato; substitute teacher, Ms. Kim McDonald; and parent, Mrs. Castor.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
109, HD1, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance
128, HD2, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
390, HD1, SD2	Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
422, HD2, 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
844, HD1, SD2	Committee on Education, then to the Committee on Finance
938, HD1, SD1	Committee on Human Services, then to the Committee on Judiciary
1015, HD2, SD1	Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance
1051, HD2, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1214, HD2, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
1303, HD2, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Labor & Public Employment, then to the Committee on Finance
1784, HD2, SD2	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Finance

S.B.
Nos. Re-referred to:

60, SD1, HD1 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

116, SD2, HD2 Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance

459, SD2, HD1 Committee on Health, then to the Committee on Finance

467, SD2, HD2 Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

575, SD1, HD1 Committee on Tourism & Culture, then to the Committee on Finance

637, SD2, HD1 Committee on Public Safety & Military Affairs, then to the Committee on Finance

738, SD1, HD1 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

751, SD2, HD2 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

819, SD1, HD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

1129, SD1, HD1 Committee on Consumer Protection & Commerce, then to the Committee on Finance

1699, SD1, HD1 Committee on Tourism & Culture, then to the Committee on Finance

1702, SD1, HD2 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

1814, SD2, HD2 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

1816, SD2, HD2 Jointly to the Committee on Judiciary and the Committee on Education, then to the Committee on Finance

1843, SD1, HD2 Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance

1876, SD2, HD2 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

1883, SD2, HD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

The following resolution and concurrent resolutions were referred to committee by the Speaker:

H.R.
No.

Re-referred to:

147, Committee on Hawaiian Affairs
HD1

H.C.R.
Nos.

Re-referred to:

25, Committee on Hawaiian Affairs
HD1

97 Committee on Health, then to the Committee on Finance

195, Committee on Hawaiian Affairs
HD1

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, please note that H.C.R. No. 93, H.D. 1 has been re-referred solely to the Committee on Health per Committee Referral Sheet No. 48 that was placed on your desks last Friday, April 8th. The Committee on Judiciary waived this referral to this measure and therefore it is appropriate for the House to consider action for adoption at this time."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the rules were suspended for the purpose of reconsidering action previously taken on H.C.R. No. 93, HD 1. (Representatives Cabanilla and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action taken pursuant to the recommendation contained in Standing Committee Report No. 1450, in referring H.C.R. No. 93, HD 1, to the Committee on Judiciary, seconded by Representative Ito, and carried. (Representatives Cabanilla and M. Oshiro were excused.)

ADOPTION

Representative B. Oshiro moved that H.C.R. No. 93, HD 1, be adopted, seconded by Representative Ito.

At 12:13 o'clock p.m., Representative Halford requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

The motion was put to vote by the Chair and carried, and H.C.R. No. 93, HD 1, entitled: "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 adopted, with Representatives Cabanilla and M. Oshiro being excused.

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1647) recommending that H.C.R. No. 252, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 252, HD 1, be adopted, seconded by Representative Ito.

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

"Mr. Speaker. Thank you. Mr. Speaker, I'm rising to speak in support of Standing Committee Report 1647. Mr. Speaker, this measure is going to request our Legislative Reference Bureau to conduct a review of laws of other jurisdictions regarding various benefits that those other jurisdictions provide to their police officers. I think, Mr. Speaker, this is important information because we know that we have a shortage of police officers. We also know that other jurisdictions are actively recruiting away some of our best and I think this will give us the tools to consider what we should do in a future Session. 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. 252, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A REVIEW OF THE LAWS OF OTHER JURISDICTIONS REGARDING TAX BENEFITS, RETIREMENT SYSTEM CONTRIBUTIONS, HEALTH FUND CONTRIBUTIONS, AND OTHER BENEFITS PROVIDED TO POLICE OFFICERS," was adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1648) recommending that H.R. No. 168, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 168, HD 1, 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 adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1649) recommending that H.R. No. 77, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 77, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS NOT TO CUT FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AS

PROPOSED BY THE ADMINISTRATION IN THE 2006 FISCAL YEAR FEDERAL BUDGET AND TO SUPPORT ITS RESTORATION INTO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BUDGET AT ITS CURRENT FUNDING LEVEL OF \$4,700,000,000," was adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1650) recommending that H.C.R. No. 102, as amended in HD 1, 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. 102, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS NOT TO CUT FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AS PROPOSED BY THE ADMINISTRATION IN THE 2006 FISCAL YEAR FEDERAL BUDGET AND TO SUPPORT ITS RESTORATION INTO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BUDGET AT ITS CURRENT FUNDING LEVEL OF \$4,700,000,000," was adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1651) recommending that H.R. No. 69, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and H.R. No. 69, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO SECURE THE SERVICES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES BOATING AND OCEAN RECREATION DIVISION TO PROVIDE OVERSIGHT OF BOATING OPERATIONS AT KEWALO BASIN," was adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1652) recommending that H.C.R. No. 94, as amended in HD 1, 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. 94, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO SECURE THE SERVICES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES BOATING AND OCEAN RECREATION DIVISION TO PROVIDE OVERSIGHT OF BOATING OPERATIONS AT KEWALO BASIN," was adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1653) recommending that H.R. No. 141, 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.R. No. 141, HD 1, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO PROVIDE MEDICAL CARE AND COMPENSATION TO NUCLEAR VICTIMS IN THE REPUBLIC OF THE

MARSHALL ISLANDS," was adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1654) recommending that H.C.R. No. 189, 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. 189, HD 1, 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 adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1655) recommending that H.R. No. 115, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Ito and carried, the report of the Committee was adopted and 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 adopted, with Representatives Cabanilla and M. Oshiro being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1656) recommending that H.C.R. No. 153, 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. 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 adopted, with Representatives Cabanilla and M. Oshiro being excused.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to remind the Members that our, I think 5th Annual Hemp Aloha Shirt Friday is going to occur a week from this Friday. Members are encouraged to wear natural fiber shirts to session a week from Friday, in honor of Earth Week. Thank you."

Representative Berg: "Thank you, Mr. Speaker. I just wanted to remind our Body that we have a chili cook-off, "It's Chili in the Legislature" tomorrow. We have four celebrity judges who are going to be ranking our chili and there's still room for volunteers. It will be in Room 312 after session tomorrow. Thank you."

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 12:19 o'clock p.m.

ADJOURNMENT

At 12:19 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 15, 2005. (Representatives Cabanilla and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 14, 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. 19, H.D. 2, S.D. 2
 H.B. No. 20, S.D. 1
 H.B. No. 31, H.D. 2, S.D. 2
 H.B. No. 85, H.D. 2, S.D. 2
 H.B. No. 97, H.D. 2, S.D. 2
 H.B. No. 99, H.D. 1, S.D. 2
 H.B. No. 100, H.D. 1, S.D. 1
 H.B. No. 106, H.D. 3, S.D. 2
 H.B. No. 109, H.D. 1, S.D. 2
 H.B. No. 115, H.D. 1, S.D. 2
 H.B. No. 128, H.D. 2, S.D. 2
 H.B. No. 138, H.D. 1, S.D. 1
 H.B. No. 140, H.D. 1, S.D. 2
 H.B. No. 150, H.D. 2, S.D. 2
 H.B. No. 155, H.D. 1, S.D. 1
 H.B. No. 160, H.D. 2, S.D. 1
 H.B. No. 162, H.D. 2, S.D. 1
 H.B. No. 164, H.D. 1, S.D. 1
 H.B. No. 168, H.D. 2, S.D. 1
 H.B. No. 222, S.D. 2
 H.B. No. 244, H.D. 1, S.D. 1
 H.B. No. 250, S.D. 1
 H.B. No. 251, S.D. 1
 H.B. No. 252, S.D. 1
 H.B. No. 253, S.D. 1
 H.B. No. 254, S.D. 1
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 H.B. No. 278, H.D. 1, S.D. 1
 H.B. No. 283, H.D. 1, S.D. 1
 H.B. No. 325, S.D. 2
 H.B. No. 328, S.D. 1
 H.B. No. 330, H.D. 1, S.D. 2
 H.B. No. 332, H.D. 1, S.D. 2
 H.B. No. 384, H.D. 2, S.D. 2
 H.B. No. 390, H.D. 1, S.D. 2
 H.B. No. 393, H.D. 1, S.D. 1
 H.B. No. 408, H.D. 2, S.D. 1
 H.B. No. 416, H.D. 2, S.D. 2
 H.B. No. 422, H.D. 2, S.D. 2
 H.B. No. 429, H.D. 1, S.D. 1
 H.B. No. 434, S.D. 1
 H.B. No. 438, H.D. 1, S.D. 2
 H.B. No. 447, H.D. 1, S.D. 1
 H.B. No. 450, H.D. 2, S.D. 2
 H.B. No. 460, H.D. 2, S.D. 1
 H.B. No. 466, H.D. 2, S.D. 2
 H.B. No. 471, H.D. 2, S.D. 2
 H.B. No. 477, H.D. 1, S.D. 1

H.B. No. 488, S.D. 2
H.B. No. 491, S.D. 2
H.B. No. 500, H.D. 2, S.D. 2
H.B. No. 502, H.D. 1, S.D. 2
H.B. No. 505, H.D. 1, S.D. 2
H.B. No. 516, H.D. 2, S.D. 1
H.B. No. 551, H.D. 1, S.D. 2
H.B. No. 556, S.D. 1
H.B. No. 588, H.D. 1, S.D. 1
H.B. No. 606, H.D. 1, S.D. 2
H.B. No. 631, H.D. 1, S.D. 2
H.B. No. 683, H.D. 1, S.D. 2
H.B. No. 685, S.D. 1
H.B. No. 704, H.D. 1, S.D. 2
H.B. No. 758, H.D. 2, S.D. 2
H.B. No. 769, H.D. 3, S.D. 2
H.B. No. 792, H.D. 1, S.D. 2
H.B. No. 835, H.D. 2, S.D. 1
H.B. No. 841, S.D. 2
H.B. No. 842, S.D. 1
H.B. No. 843, H.D. 1, S.D. 1
H.B. No. 844, H.D. 1, S.D. 2
H.B. No. 852, H.D. 2, S.D. 2
H.B. No. 862, H.D. 2, S.D. 2
H.B. No. 863, H.D. 2, S.D. 2
H.B. No. 864, S.D. 1
H.B. No. 875, H.D. 2, S.D. 2
H.B. No. 906, H.D. 1, S.D. 1
H.B. No. 912, H.D. 1, S.D. 1
H.B. No. 919, H.D. 1, S.D. 2
H.B. No. 931, H.D. 2, S.D. 2
H.B. No. 938, H.D. 1, S.D. 1
H.B. No. 954, H.D. 1, S.D. 2
H.B. No. 955, H.D. 1, S.D. 2
H.B. No. 957, H.D. 1, S.D. 1
H.B. No. 997, H.D. 1, S.D. 2
H.B. No. 998, H.D. 2, S.D. 2
H.B. No. 1015, H.D. 2, S.D. 1
H.B. No. 1017, H.D. 3, S.D. 2
H.B. No. 1029, S.D. 2
H.B. No. 1051, H.D. 2, S.D. 2
H.B. No. 1060, H.D. 2, S.D. 2
H.B. No. 1082, H.D. 3, S.D. 2
H.B. No. 1132, H.D. 1, S.D. 2
H.B. No. 1136, H.D. 3, S.D. 2
H.B. No. 1146, H.D. 1, S.D. 2
H.B. No. 1152, H.D. 1, S.D. 1
H.B. No. 1200, H.D. 2, S.D. 2
H.B. No. 1214, H.D. 2, S.D. 2
H.B. No. 1224, S.D. 1
H.B. No. 1235, H.D. 1, S.D. 1
H.B. No. 1236, S.D. 1
H.B. No. 1238, H.D. 1, S.D. 2
H.B. No. 1276, H.D. 3, S.D. 1
H.B. No. 1278, H.D. 2, S.D. 1
H.B. No. 1280, H.D. 1, S.D. 2
H.B. No. 1295, H.D. 2, S.D. 2
H.B. No. 1300, H.D. 2, S.D. 2
H.B. No. 1301, H.D. 1, S.D. 2
H.B. No. 1303, H.D. 2, S.D. 2
H.B. No. 1304, H.D. 1, S.D. 2
H.B. No. 1308, H.D. 1, S.D. 2
H.B. No. 1309, H.D. 2, S.D. 2
H.B. No. 1317, H.D. 1, S.D. 1
H.B. No. 1318, H.D. 1, S.D. 1
H.B. No. 1320, H.D. 1, S.D. 1
H.B. No. 1331, H.D. 1, S.D. 2
H.B. No. 1360, H.D. 2, S.D. 2
H.B. No. 1378, H.D. 1, S.D. 2
H.B. No. 1393, H.D. 2, S.D. 1
H.B. No. 1433, S.D. 2
H.B. No. 1442, H.D. 2, S.D. 2
H.B. No. 1461, S.D. 1
H.B. No. 1462, S.D. 1
H.B. No. 1465, S.D. 1
H.B. No. 1476, H.D. 1, S.D. 1
H.B. No. 1528, H.D. 2, S.D. 2
H.B. No. 1536, H.D. 1, S.D. 1
H.B. No. 1548, H.D. 1, S.D. 1
H.B. No. 1550, H.D. 1, S.D. 1
H.B. No. 1554, H.D. 2, S.D. 2
H.B. No. 1555, H.D. 1, S.D. 1
H.B. No. 1556, H.D. 1, S.D. 1
H.B. No. 1590, H.D. 2, S.D. 2
H.B. No. 1594, S.D. 1
H.B. No. 1595, S.D. 1
H.B. No. 1596, S.D. 1
H.B. No. 1597, S.D. 1
H.B. No. 1598, S.D. 1
H.B. No. 1599, S.D. 1
H.B. No. 1605, H.D. 1, S.D. 2
H.B. No. 1608, H.D. 1, S.D. 2
H.B. No. 1614, H.D. 1, S.D. 2
H.B. No. 1640, H.D. 3, S.D. 2
H.B. No. 1641, H.D. 1, S.D. 2
H.B. No. 1645, H.D. 1, S.D. 2
H.B. No. 1657, H.D. 1, S.D. 1
H.B. No. 1659, H.D. 1, S.D. 1
H.B. No. 1666, H.D. 1, S.D. 1
H.B. No. 1668, S.D. 1
H.B. No. 1672, S.D. 1
H.B. No. 1713, H.D. 1, S.D. 2
H.B. No. 1728, H.D. 1, S.D. 2
H.B. No. 1733, H.D. 2, S.D. 2
H.B. No. 1740, H.D. 1, S.D. 2
H.B. No. 1745, H.D. 1, S.D. 2
H.B. No. 1747, H.D. 1, S.D. 1
H.B. No. 1749, H.D. 2, S.D. 2
H.B. No. 1750, S.D. 2
H.B. No. 1758, H.D. 1, S.D. 1
H.B. No. 1763, H.D. 2, S.D. 2
H.B. No. 1784, H.D. 2, S.D. 2

FORTY-NINTH DAY

Friday, April 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 in song by Representative Michael Puamamo Kahikina, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 192 through 194) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 192, informing the House that on April 15, 2005, the following bill was signed into law:

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." (ACT 006)

Gov. Msg. No. 193, informing the House that on April 15, 2005, the following bill was signed into law:

S.B. No. 782, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES." (ACT 007)

Gov. Msg. No. 194, informing the House that on April 15, 2005, the following bill was signed into law:

H.B. No. 79, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES." (ACT 008)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 649 through 653) were received and announced by the Clerk:

Sen. Com. No. 649, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 27, SD 1, HD 1
 S.B. No. 55, SD 1, HD 2
 S.B. No. 77, SD 1, HD 1
 S.B. No. 97, SD 1, HD 1
 S.B. No. 101, HD 1
 S.B. No. 116, SD 2, HD 2
 S.B. No. 117, HD 2
 S.B. No. 118, SD 2, HD 2
 S.B. No. 120, SD 1, HD 1
 S.B. No. 121, HD 1
 S.B. No. 179, SD 3, HD 2
 S.B. No. 212, SD 2, HD 2
 S.B. No. 244, SD 2, HD 1
 S.B. No. 294, SD 3, HD 1

S.B. No. 433, SD 2, HD 1
 S.B. No. 440, SD 1, HD 1
 S.B. No. 460, HD 1
 S.B. No. 467, SD 2, HD 2
 S.B. No. 486, SD 2, HD 1
 S.B. No. 568, SD 1, HD 2
 S.B. No. 617, SD 1, HD 1
 S.B. No. 639, SD 2, HD 1
 S.B. No. 667, SD 2, HD 2
 S.B. No. 669, SD 2, HD 1
 S.B. No. 673, SD 2, HD 2
 S.B. No. 680, SD 1, HD 1
 S.B. No. 682, SD 2, HD 3
 S.B. No. 708, SD 2, HD 2
 S.B. No. 738, SD 1, HD 1
 S.B. No. 751, SD 2, HD 2
 S.B. No. 761, SD 2, HD 1
 S.B. No. 791, SD 2, HD 2
 S.B. No. 802, SD 2, HD 1
 S.B. No. 807, SD 1, HD 1
 S.B. No. 813, SD 2, HD 2
 S.B. No. 817, SD 2, HD 1
 S.B. No. 819, SD 1, HD 1
 S.B. No. 834, SD 2, HD 1
 S.B. No. 873, SD 2, HD 2
 S.B. No. 935, SD 1, HD 1
 S.B. No. 959, SD 2, HD 1
 S.B. No. 962, SD 2, HD 2
 S.B. No. 971, SD 2, HD 1
 S.B. No. 982, SD 2, HD 1
 S.B. No. 1003, SD 2, HD 2
 S.B. No. 1022, SD 1, HD 1
 S.B. No. 1038, SD 2, HD 1
 S.B. No. 1081, SD 2, HD 1
 S.B. No. 1100, SD 2, HD 1
 S.B. No. 1114, SD 1, HD 1
 S.B. No. 1137, SD 1, HD 1
 S.B. No. 1141, SD 1, HD 2
 S.B. No. 1170, SD 2, HD 1
 S.B. No. 1193, SD 1, HD 1
 S.B. No. 1194, SD 1, HD 2
 S.B. No. 1201, SD 2, HD 3
 S.B. No. 1221, SD 2, HD 1
 S.B. No. 1250, SD 2, HD 2
 S.B. No. 1256, HD 1
 S.B. No. 1257, SD 2, HD 2
 S.B. No. 1285, SD 2, HD 1
 S.B. No. 1336, SD 1, HD 1
 S.B. No. 1352, SD 1, HD 1
 S.B. No. 1378, SD 2, HD 1
 S.B. No. 1394, SD 2, HD 2
 S.B. No. 1410, SD 1, HD 1
 S.B. No. 1420, SD 2, HD 3
 S.B. No. 1557, SD 2, HD 2
 S.B. No. 1592, SD 1, HD 2
 S.B. No. 1620, SD 2, HD 2
 S.B. No. 1643, SD 2, HD 2
 S.B. No. 1685, SD 2, HD 1
 S.B. No. 1697, SD 2, HD 1
 S.B. No. 1698, SD 2, HD 1
 S.B. No. 1702, SD 1, HD 2
 S.B. No. 1721, SD 2, HD 2
 S.B. No. 1729, SD 2, HD 2
 S.B. No. 1740, SD 1, HD 1
 S.B. No. 1745, SD 1, HD 1
 S.B. No. 1747, SD 2, HD 1
 S.B. No. 1772, SD 1, HD 2
 S.B. No. 1778, SD 2, HD 1
 S.B. No. 1780, SD 2, HD 2
 S.B. No. 1781, HD 1

S.B. No. 1792, SD 1, HD 1
 S.B. No. 1814, SD 2, HD 2
 S.B. No. 1816, SD 2, HD 2
 S.B. No. 1843, SD 1, HD 2
 S.B. No. 1876, SD 2, HD 2
 S.B. No. 1877, HD 1
 S.B. No. 1888, SD 1, HD 1
 S.B. No. 1889, SD 1, HD 2
 S.B. No. 1891, SD 2, HD 2
 S.B. No. 1897, SD 2, HD 2
 S.B. No. 1903, SD 1, HD 1

Sen. Com. No. 650, transmitting S.C.R. No. 134, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 14, 2005.

Sen. Com. No. 651, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 161, Chair: Menor
 HD 1, SD 1 Members: Baker, Hogue

H.B. No. 214, Chair: Menor
 HD 1, SD 1 Members: Espero, Hogue

H.B. No. 644, Chair: Menor
 HD 1, SD 1 Members: Baker, Hogue

H.B. No. 785, Chair: Menor
 HD 1, SD 1 Members: Espero, Hogue

Sen. Com. No. 652, 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. 527, Chair: Baker
 SD 2, HD 1 Co-Chairs: Chun Oakland, Taniguchi
 Members: Fukunaga, Inouye, Whalen

S.B. No. 693, Chair: Menor
 SD 1, HD 1 Members: Espero, Hogue

S.B. No. 702, Chair: Menor
 SD 2, HD 1 Co-Chair: Hanabusa
 Members: Baker, Espero, Hogue

S.B. No. 819, Chair: Fukunaga
 SD 1, HD 1 Co-Chair: Taniguchi
 Members: English, Hogue

S.B. No. 971, Chair: Kim
 SD 2, HD 1 Co-Chair: Menor
 Members: Nishihara, Tsutsui, Slom

S.B. No. 1065, Chair: Hee
 SD 2, HD 1 Co-Chairs: Kokubun, Taniguchi
 Member: Trimble

S.B. No. 1141, Chair: Kim
 SD 1, HD 2 Co-Chair: Menor
 Members: Espero, Nishihara, Slom

S.B. No. 1348, Chair: Menor
 SD 1, HD 1 Members: Espero, Hogue

S.B. No. 1349, Chair: Menor
 SD 1, HD 1 Members: Espero, Hogue

S.B. No. 1695, Chair: Fukunaga
 SD 2, HD 2 Co-Chairs: Espero, Taniguchi
 Members: Ige, Hogue

S.B. No. 1698, Chair: Fukunaga
 SD 2, HD 1 Co-Chairs: Espero, Taniguchi
 Members: Ige, Hogue

S.B. No. 1702, Chair: Fukunaga
 SD 1, HD 2 Co-Chairs: Espero, Taniguchi
 Members: English, Ige, Hogue

S.B. No. 1792, Chair: Fukunaga
 SD 1, HD 1 Co-Chairs: Espero, Taniguchi
 Members: English, Hogue

S.B. No. 1798, Chair: Menor
 HD 1 Members: Espero, Hogue

Sen. Com. No. 653, informing the House that the Senate has, on April 12, 2005, reconsidered action taken on March 31, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 608, "RELATING TO DUTY OF
 HD 1 PHYSICIAN, SURGEON,
 HOSPITAL, CLINIC, ETC., TO
 REPORT WOUNDS."

INTRODUCTIONS

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

Representative Nishimoto, on behalf of Representative Marumoto and himself, introduced 5th grade students and Student Council members of Liholiho Elementary School, and their teachers, Mr. Alan Wong, Ms. Sharon Harauchi, and Mr. Fred Magnenat.

Representative Berg introduced the celebrity judges for the 'It's Chili in Hawaii' chili cook-off: Mr. Alex Malabey, legislative aide to Representative Green; Mr. Dean Okimoto of Nalo Farms; and Mr. Tony Solis of OC-16 and U Da Kine Productions.

Representative Berg also announced the winners of the "It's Chili in the Legislature" chili cook-off and thanked everyone for participating and supporting the Hawaii Foodbank.

1st place, Mr. Chad Kawabata of the Sergeant-at-Arms Office with "Chad & Matt's Ono Chili" featuring Lon's Chicken Wings; and 2nd place, Ms. Claudine Tomasa of Representative Nakasone's office with "Mom's Chili".

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>
41	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
79, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
81, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance
90, SD1	Committee on Education, then to the Committee on Finance
103	Committee on Consumer Protection & Commerce, then to the Committee on Finance
111, SD1	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
114	Committee on Consumer Protection & Commerce, then to the Committee on Finance
144	Committee on Consumer Protection & Commerce, then to the Committee on Finance
155, SD1	Jointly to the Committee on Tourism & Culture and the Committee on International Affairs
167	Committee on Consumer Protection & Commerce, then to the Committee on Finance
197, SD1	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
222, SD1	Committee on Education, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
99, HD1, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1462, SD1	Committee on Finance, then to the Committee on Judiciary

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
27, SD1, HD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
817, SD2, HD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

1352, SD1, HD1	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Finance
1781, HD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1888, SD1, HD1	Committee on Labor & Public Employment, then to the Committee on Finance

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, please note, that the House Concurrent Resolution No. 25, HD 1, House Resolution No. 147, HD 1, and House Concurrent Resolution No. 195, HD 1, have been re-referred solely to the Committee on Hawaiian Affairs per Committee Referral Sheets No. 50 and 51 that were placed on your desk yesterday. The Committee on Water, Land, & Ocean Resources and the Committee on Judiciary waived their referral to these measures and therefore it is appropriate for the House to consider action for adoption at this time."

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 on H.C.R. No. 25, HD 1. (Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action taken pursuant to the recommendation contained in Standing Committee Report No. 1424, in referring H.C.R. No. 25, HD 1, to the Committee on Water, Land, & Ocean Resources, seconded by Representative B. Oshiro, and carried. (Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine were excused.)

ADOPTION

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 25, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CULTURAL PERPETUATION IN RURAL HAWAIIAN COMMUNITIES," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

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 on H.R. No. 147, HD 1, and H.C.R. No. 195, HD 1. (Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action taken pursuant to the recommendation contained in Standing Committee Report Nos. 1389 and 1390, in referring H.R. No. 147, HD 1, and H.C.R. No. 195, HD 1, to the Committee on Judiciary, seconded by Representative B. Oshiro, and carried. (Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine were excused.)

ADOPTION

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION ADOPTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused; and

H.C.R. No. 195, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

STANDING COMMITTEE REPORTS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1657) recommending that H.C.R. No. 73, 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. 73, HD 1, 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1658) recommending that H.C.R. No. 266, 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. 266, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF MAY AS MENTAL HEALTH AWARENESS MONTH," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1659) recommending that H.C.R. No. 277, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1660) recommending that H.R. No. 84, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1661) recommending that H.C.R. No. 110, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1662) recommending that H.R. No. 124, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1663) recommending that H.C.R. No. 165, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1664) recommending that H.R. No. 194, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1665) recommending that H.C.R. No. 263, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1666) recommending that H.C.R. No. 169, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representatives Caldwell and Sonson, for the Committee on Labor & Public Employment and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1667) recommending that H.R. No. 196, 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.R. No. 196, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO REINSTATE THE SOCIAL WORKER SERIES IN ITS CLASSIFICATION AND COMPENSATION PLAN," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representatives Caldwell and Sonson, for the Committee on Labor & Public Employment and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1668) recommending that H.C.R. No. 265, 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. 265, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES

DEVELOPMENT TO REINSTATE THE SOCIAL WORKER SERIES IN ITS CLASSIFICATION AND COMPENSATION PLAN," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1669) recommending that H.C.R. No. 174, 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. 174, HD 1, 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1670) recommending that H.C.R. No. 10, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 10, HD 1, be adopted, seconded by Representative B. Oshiro.

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

Thank you, Mr. Speaker. I'm forced to rise in opposition to Stand. Com. Report No. 1670, H.C.R. No. 10, H.D. 1. This is calling for the Department of Education to continue its work on providing information to women who need emergency contraceptives. That might sound like a good idea.

"I look at the makeup of the working group, though. I see no pro-family or religious groups involved at all. So, we're going to get one side of the story out, and not the other side of the story, which is, we don't need to abort these children. Maybe we need to find homes for them. And that side is completely missing. So this measure is very objectionable to me. 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 Morita rose to speak in support of the measure, stating:

"Mr. Speaker, in support of this measure. And just for the edification of the Members. Emergency contraceptive is a high dosage of birth control pills. It's not an abortifacient."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. Well, if it stops the pregnancy, it is an abortion, Mr. Speaker. I don't care what you call it. But you're giving the woman medicine to stop her pregnancy. And that's a termination of pregnancy. That's an abortion. Thank you."

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

"Mr. Speaker, just briefly in support. I do think that issues of language, whether it's an abortifacient or contraception, do merit a full conversation and not a dismissive comment that one is simply an abortion and one isn't. I think of it as a very complex discussion. That's why we are having a study so I do support this.

"I would also like to echo the comments that were made earlier that this emergency contraception amounts to four birth control pills taken 12 hours apart. That could be done now by anyone that has birth control prescriptions and people should know 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 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 adopted, with Representatives Meyer, Moses and Pine voting no, and with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1671) recommending that H.C.R. No. 11, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1672) recommending that H.C.R. No. 26, 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. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE PROFESSION OF ARCHAEOLOGY," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1673) recommending that H.C.R. No. 40, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1674) recommending that H.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.R. No. 56, entitled: "HOUSE RESOLUTION REQUESTING A SUNRISE REVIEW OF CERTIFIED ATHLETIC TRAINERS," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1675) recommending that H.C.R. No. 67, 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. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF CERTIFIED ATHLETIC TRAINERS," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1676) recommending that H.C.R. No. 58, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 58, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support with reservations of Standing Committee Report No. 1676, Requesting a Financial and Management Audit of the Department of Human Resources' TANF. Mr. Speaker, with reservations because we've made so many requests of the Auditor and I'm afraid we haven't funded that Office sufficiently to do all that we have requested.

"But other than that, Mr. Speaker, I'm in favor of especially the management audits, since we do financial audits of all State spending anyway. And it would be good if we did a management audit of the whole Department, and actually of all State activity regularly, as required in the Constitution, Article VII, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1677) recommending that H.C.R. No. 71, 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. 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 adopted, with Representatives

Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

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

(Stand. Com. Rep. No. 1678) recommending that H.R. No. 74, be adopted; and

(Stand. Com. Rep. No. 1679) recommending that H.C.R. No. 99, be adopted.

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 adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. The first measure on the page, actually the first two; 1678 and 1679 in support with some comments. These urge the designation of all Hawaii's airports as smoke-free areas, from airplane cabin to airport curb. And I understand the dangers in smoking and we should try to stop smoking. I'm glad we have youngsters here that should learn about the dangers in smoking.

"But we do have many passengers that come to Hawaii from other countries and I think all we need to do, very easily, is designate a smoking designated area. Just a room where they could go in and smoke, and nobody else is contaminated by the hazards of smoking, instead of turning it off completely. I think it will definitely hurt the tourist industry. Thank you."

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

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

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

"Mr. Speaker, in strong support. You know, we did have a bill similar to this before. I just want to reiterate that second-hand smoke is probably more dangerous than smoking itself. And I just want to make two points. We did ask about a separate lounge for smokers, and unless we're willing to spend hundreds of thousands of dollars to build this lounge where the smoke is exhausted out of the building, it's going to be impossible just to separate smokers from the non-smokers.

"The other point is people always talk about choice. But what about all our employees at the airport? They don't have any choice. They're forced to take in all the second-hand smoke. And like I said, second-hand smoke, especially for children, asthmatics can be very damaging to one's health. For me, the health of our people is more important. So, I hope people will support this resolution. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising with some strong reservations and ask that the words of the Representative from Kapolei be inserted as if they were my own."

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

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

"Briefest of comments in support, Mr. Speaker. It's been shown in clinical double-blind trials, that just simply the smoke on someone's shirt or jacket can cause an asthma exacerbation in people. So, these are the kind of things that do make me concerned about having a society that has ongoing smoking problems, especially in confined spaces.

"I don't personally know what the impact would be on tourism, but I do know that there is a negative impact on health. And we tell our young mothers to actually change their clothes after smoking if they can, before going back to be with their babies again. So, I'd hope that my colleagues would consider that kind of thing, clinically, when they make decisions on measures that are important like this. 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. 74, entitled: "HOUSE RESOLUTION URGING THE DESIGNATION OF ALL OF HAWAII'S AIRPORTS AS SMOKE-FREE AREAS FROM AIRPLANE CABIN TO AIRPORT CURB," was adopted, with Representatives Chang and Evans voting no, and with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine 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 adopted, with Representatives Chang and Evans voting no, and with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1680) recommending that H.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.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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1681) recommending that H.C.R. No. 100, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1682) recommending that H.R. No. 78, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1683) recommending that H.C.R. No. 105, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1684) recommending that H.C.R. No. 79, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1685) recommending that H.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.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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1686) recommending that H.C.R. No. 109, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1687) recommending that H.R. No. 108, 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. 108, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1688) recommending that H.C.R. No. 146, 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. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1689) recommending that H.C.R. No. 121, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 121, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in support with reservations; Report No. 1689, Requesting a Management and Financial Audit. Again, briefly, for the same reasons that we've requested so much, so many audits, and I'm afraid the Auditor may not be sufficiently funded. Hopefully, we've been doing financial audits anyway, but the management audit is important and we should do that for all of State activity. 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1690) recommending that H.R. No. 126, 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. 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 adopted, with

Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1691) recommending that H.C.R. No. 167, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1692) recommending that H.C.R. No. 132, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1693) recommending that H.C.R. No. 156, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1694) recommending that H.R. No. 123, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1695) recommending that H.C.R. No. 164, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1696) recommending that H.R. No. 80, 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. 80, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1697) recommending that H.C.R. No. 107, 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. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1698) recommending that H.R. No. 83, 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. 83, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF PUBLIC PARKING AT THE STATE CAPITOL," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1699) recommending that H.C.R. No. 123, 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. 123, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF PUBLIC PARKING AT THE STATE CAPITOL," was adopted, with Representative Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1700) recommending that H.R. No. 144, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1701) recommending that H.C.R. No. 192, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1702) recommending that H.R. No. 154, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1703) recommending that H.C.R. No. 206, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1704) recommending that H.C.R. No. 157, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1705) recommending that H.R. No. 159, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1706) recommending that H.C.R. No. 212, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1707) recommending that H.R. No. 166, 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. 166, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND STRENGTHEN ITS WATER QUALITY STANDARDS AND PRACTICES," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1708) recommending that H.C.R. No. 222, 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. 222, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND STRENGTHEN ITS WATER QUALITY STANDARDS AND PRACTICES," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1709) recommending that H.C.R. No. 172, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1710) recommending that H.R. No. 193, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1711) recommending that H.C.R. No. 262, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1712) recommending that H.C.R. No. 200, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 200, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Report No. 1712, with reservations, for the same reasons that I've already iterated twice and to comment that hopefully this audit includes a management audit. 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. 200, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1713) recommending that H.C.R. No. 204, 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. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A

SUNRISE ANALYSIS OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1714) recommending that H.R. No. 205, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1715) recommending that H.C.R. No. 278, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1716) recommending that H.C.R. No. 213, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 213, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, Report No. 1716, same subject matter. This is Requesting a Financial Audit at the University of Hawaii. Hopefully, we're already doing that for all State spending. We've recently transferred that portion to the Legislative Auditor and a management audit would probably be more useful in this case. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1717) recommending that H.C.R. No. 218, 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. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAMMATIC AND FINANCIAL AUDIT OF THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was adopted, with

Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1718) recommending that H.C.R. No. 229, 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. 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

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

(Stand. Com. Rep. No. 1719) recommending that H.R. No. 85, HD 1, as amended in HD 2, be adopted; and

(Stand. Com. Rep. No. 1720) recommending that H.C.R. No. 111, HD 1, as amended in HD 2, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 85, HD 2, and H.C.R. No. 111, HD 2, be adopted, seconded by Representative B. Oshiro.

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

"Thank you. In support with reservations on Standing Committee Report No. 1719 and 1720. I don't have a problem putting a cultural marketplace on our waterfront, but I do have reservations about mandating the acreage. Thank you."

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

"I stand in reservations on the same two measures. In light of the news that the Office of Hawaiian Affairs will be building a cultural center just adjacent to this land near the Kaka'ako Waterfront, I think it might be prudent for us to allow that project to go through rather than subjecting taxpayer money to build a needed facility in that area. 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 Meyer rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 85, HD 2, 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused; and

H.C.R. No. 111, HD 2, 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1721) recommending that H.C.R. No. 168, 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. 168, HD 1, be adopted, 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 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 168, HD 1, 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 adopted, with Representatives Evans, Meyer and Pine voting no, and with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1722) recommending that H.C.R. No. 255, HD 1, as amended in HD 2, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 225, HD 2, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, 1722. This is Studying Accessibility of Mental Health Care to Consider Feasibility of the State Authorizing Trained and Supervised Psychologists to Safely Prescribe Psychotropic Medications. I have a great concern that these are not medical doctors. These are psychologists issuing prescriptions for medications that we have heard, time and time again that are very, very delicate.

"We had a bill similar to this. And there, we were talking about having all doctors prescribe these medicines instead of just psychiatrists. And now we're going to have psychologists do it and I'm very concerned that these drugs can cause tremendous damage if issued improperly. Thank you."

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

"Thank you, Mr. Speaker. I'm rising to vote no on that same measure. Mr. Speaker, we've seen headlines about some of the severe impacts that these forms of medicine have had. Many times it's been on students and has created a great tragedy in their family's lives and for the students. I don't think that we should let anyone other than a professional physician be able to prescribe these kinds of drugs because there are so many ancillary effects that could occur. I'm sorry to see this Body adopting this today. Thank you."

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

"Thank you, Mr. Speaker, in support. I respect the comments that have come just before me. This resolution is endorsed by the psychiatrists and the psychologists. I sat and spent innumerable hours with both groups making sure that they would sit down together and work together through the problem. The Body should know that there should be no presumption about what will come from it. That is exactly why the psychologists and the psychiatrists want this passed. They want to be able to work through the issue and find out whether or not drugs should be prescribed or even authorized or monitored by psychologists. And what the parameters on getting mental healthcare into the community should be; where we need to have more health centers, where we need to have more psychiatrists that are available for care. So that's the purpose."

"I don't think anyone should be afraid that this is going to necessarily result in prescription authority one way or the other. But both bodies did support 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 H.C.R. No. 255, HD 2, 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 adopted, with Representative Thielen voting no, and with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1723) recommending that H.C.R. No. 293, 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. 293, HD 1, 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representatives Abinsay, Saiki and Kanoho, for the Committee on Agriculture and the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1724) recommending that H.C.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 Committees was adopted and H.C.R. No. 155, HD 1, 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 adopted, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1725), recommending that S.C.R. No. 48, 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.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," was referred to the Committee on Finance, with Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine being excused.

ANNOUNCEMENTS

Representative Ito: "Mr. Speaker, after the chili cook-off, I want to invite all Representatives to a lunch reception sponsored by the Navy League in the Conference room 329 right after the session. Thank you."

Representative Thielen: "Mr. Speaker, I just wanted to remind Members again. Some jumped the gun today, but next Friday is our Natural Fiber Aloha Shirt Day in honor of Earth Week. Thank you."

Representative Arakaki: "Thank you, Mr. Speaker. The Keiki Caucus will be meeting in Room 309 immediately following session. 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, Monday, April 18, 2005. (Representatives Cabanilla, Caldwell, Hiraki, Lee, Sonson, Souki, Stonebraker and Takamine were excused.)

FIFTIETH DAY

Monday, April 18, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 12:12 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Marc R. Alexander of the Manoa Punahou Catholic Community, after which the Roll was called showing all members present with the exception of Representatives Chang, Lee, Takamine and Tsuji, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 195 through 198) were received and announced by the Clerk:

Gov. Msg. No. 195, informing the House that on April 18, 2005, the following bill was signed into law:

S.B. No. 1680, SD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFICATIONS OF BOARD MEMBERS." (ACT 009)

Gov. Msg. No. 196, informing the House that on April 18, 2005, the following bill was signed into law:

S.B. No. 681, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT." (ACT 010)

Gov. Msg. No. 197, informing the House that on April 18, 2005, the following bill was signed into law:

S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE." (ACT 011)

Gov. Msg. No. 198, informing the House that on April 18, 2005, the following bill was signed into law:

S.B. No. 615, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT." (ACT 012)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 654 through 715) were received and announced by the Clerk:

Sen. Com. No. 654, informing the House that the Senate has, on April 14, 2005, reconsidered action taken on April 7, 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. 74, "RELATING TO HIGHWAY
SD 1, HD 1 SAFETY."

Sen. Com. No. 655, transmitting 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 656, transmitting 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 657, transmitting H.C.R. No. 3, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO SUPPORT FEDERAL POLICIES DESIGNED TO ELIMINATE HOMELESSNESS IN THE UNITED STATES," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 658, transmitting S.C.R. No. 17, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO CONSIDER THE ESTABLISHMENT OF A UNIFORM STATEWIDE BUILDING CODE," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 659, transmitting S.C.R. No. 19, S.D. 2, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 660, transmitting S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION URGING FEDERAL HOUSING ASSISTANCE FOR GRANDPARENT-HEADED AND RELATIVE-HEADED HOUSEHOLDS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 661, transmitting S.C.R. No. 24, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 662, transmitting S.C.R. No. 26, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE TIMELY UPDATES OF THE CHILD PROTECTIVE SERVICES' DATABASE AND PROPERLY INFORM PARENTS AND OTHER CAREGIVERS OF THEIR RIGHTS AND RESPONSIBILITIES," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 663, transmitting S.C.R. No. 27, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO STUDY AND EVALUATE EXISTING TRAFFIC CONDITIONS IN THE SOUTH KONA AREA OF HAWAII AND PREPARE A TRAFFIC SOLUTION PLAN TO MINIMIZE EXISTING AND FUTURE TRAFFIC PROBLEMS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 664, transmitting S.C.R. No. 29, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 665, transmitting S.C.R. No. 37, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INVESTIGATE ALTERNATE MEANS OF FINANCING A NEW PUBLIC HIGH SCHOOL IN KIHEI, MAUI," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 666, transmitting S.C.R. No. 39, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MARRIAGE AND FAMILY THERAPY," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 667, transmitting S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONDUCT A CARRYING CAPACITY STUDY WITH THE SUPPORT OF THE HAWAII TOURISM AUTHORITY," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 668, transmitting S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ENFORCE THE COLLECTION OF THE TRANSIENT ACCOMMODATIONS TAX ON UNREGISTERED VACATION RENTALS, AND REQUESTING THE COUNTIES TO ENFORCE THE ZONING LAWS AGAINST ILLEGAL OPERATIONS OF VACATION RENTALS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 669, transmitting S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PRESERVE THE AMOUNT OF MEDICAID COVERAGES AND AMOUNT OF BENEFITS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 670, transmitting S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN "EDUCATIONAL SERVICE AGENCY"," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 671, transmitting S.C.R. No. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE ON ENFORCEMENT OF THE ELECTRICAL AND PLUMBING LICENSING LAWS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 672, transmitting S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW AND ANALYSIS OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 673, transmitting S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 674, transmitting S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A WORK-FAMILY TASK FORCE TO REVIEW HAWAII'S WORK-FAMILY LAWS AND POLICIES, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY OTHER STATES' LAWS AND PRACTICES THAT PROMOTE GOOD WORK-FAMILY POLICY," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 675, transmitting S.C.R. No. 62, entitled: "SENATE 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 THAT ENCOURAGE POSITIVE YOUTH OUTCOMES," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 676, transmitting S.C.R. No. 64, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGAL SERVICES CORPORATION TO REMOVE THE RESTRICTIONS ON ACCESS TO PUBLIC LEGAL SERVICES FOR CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR THE INCLUSION OF THE PROVISION OF LEGAL SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS UNDER THE COMPACT OF FREE ASSOCIATION, AND ANY SUBSEQUENTLY RENEGOTIATED COMPACT," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 677, transmitting S.C.R. No. 66, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO ADOPT POLICIES AND PROGRAMS THAT PROMOTE SCHOOL CONNECTEDNESS AND ADDRESS BEHAVIORAL CHANGES," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 678, transmitting S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE APPROVAL AND DECISION-MAKING PROCEDURES, AND THE PROJECT APPROVAL PROCESS OF THE MAUNA KEA SCIENCE RESERVE," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 679, transmitting S.C.R. No. 70, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 680, transmitting S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE PRIVATIZATION OF SOCIAL SECURITY AND URGING HAWAII'S

CONGRESSIONAL DELEGATION TO REJECT PROPOSED CHANGES TO THE SOCIAL SECURITY SYSTEM," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 681, transmitting S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC HEALTH AND MEDICAL RECORDS MANAGEMENT," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 682, transmitting S.C.R. No. 84, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 683, transmitting S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING OUR CONGRESSIONAL DELEGATION TO WORK TOWARD NATIONAL PARK STATUS FOR THE KAWAINUI MARSH COMPLEX," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 684, transmitting S.C.R. No. 93, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS STABILIZATION SERVICES," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 685, transmitting S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 686, transmitting S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 687, transmitting S.C.R. No. 106, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE HAWAII PUBLIC PROCUREMENT CODE," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 688, transmitting S.C.R. No. 109, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE EDUCATIONAL MATERIALS AVAILABLE, IN WRITTEN AND ELECTRONIC FORM, ON THE PREVENTION, DIAGNOSIS, AND TREATMENT OF HEPATITIS C TO PHYSICIANS, OTHER HEALTH CARE PROVIDERS, VETERANS, AND OTHER PERSONS AT HIGH RISK FOR HEPATITIS C," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 689, transmitting S.C.R. No. 110, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR, THE DIRECTOR OF HEALTH, AND THE DIRECTOR OF CIVIL DEFENSE TO PREPARE FOR A POSSIBLE INFLUENZA PANDEMIC," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 690, transmitting S.C.R. No. 121, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A WORKING GROUP ON ADULT EDUCATION," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 691, transmitting S.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF HUMAN SERVICES, AND COMMUNITY PARTNERS TO ESTABLISH A TASK FORCE AND TO PARTICIPATE IN DEVELOPING PROGRAMS AND SUPPORT SERVICES FOR CHILDREN OF INCARCERATED PARENTS, AS WELL AS PROGRAMS TO STRENGTHEN THE FAMILY BOND," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 692, transmitting S.C.R. No. 137, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 693, transmitting S.C.R. No. 141, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO DETERMINE WHETHER CLASSIFICATION OF THE OFFENSES OF ASSAULT AND TERRORISTIC THREATENING BASED ON THE OCCUPATION OF THE VICTIM IS STILL NECESSARY," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 694, transmitting S.C.R. No. 143, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 695, transmitting S.C.R. No. 147, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 696, transmitting S.C.R. No. 172, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO HOLD HEARINGS AND REPORT ON THE UNIVERSITY AFFILIATED RESEARCH CENTER DESIGNATION BY THE NAVY, APPLIED RESEARCH LABORATORY PROPOSAL, CLASSIFIED RESEARCH POLICY AND THEIR RELATIONSHIP TO THE UNIVERSITY'S MISSION AND STRATEGIC PLAN," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 697, transmitting S.C.R. No. 173, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND

COMMUNITY DESIGN DEVELOP ENERGY EFFICIENT DESIGN STANDARDS FOR NEW AND RETROFITTED BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 698, transmitting S.C.R. No. 174, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO WORK WITH THE LYON ARBORETUM COMMUNITY STEERING COMMITTEE AND TO SUBMIT A REPORT REGARDING ITS EFFORTS TO IMPROVE CONDITIONS AT THE LYON ARBORETUM," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 699, transmitting S.C.R. No. 176, entitled: "SENATE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO ADOPT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 700, transmitting S.C.R. No. 177, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 701, transmitting S.C.R. No. 183, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ECONOMIC DEVELOPMENT, WORKFORCE DEVELOPMENT, AND THE ROLE OF THE UNIVERSITY OF HAWAII IN THE ECONOMIC FUTURE OF THE STATE," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 702, transmitting S.C.R. No. 186, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL, STATE, AND COUNTY GOVERNMENTS TO PLACE A MORATORIUM ON THE REMOVAL OF HOMELESS PEOPLE FROM PUBLIC AREAS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 703, transmitting S.C.R. No. 199, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COORDINATE STUDIES, WITH THE ASSISTANCE OF THE DEPARTMENT OF HEALTH, 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 ANY APPROPRIATE GOVERNMENT AND PRIVATE SECTOR RESPONSES TO THE "ON-CALL" CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 704, transmitting S.C.R. No. 205, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SPONSOR, ACTIVELY SUPPORT, AND VOTE FOR THE DARFUR ACCOUNTABILITY ACT OF 2005," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 705, transmitting S.C.R. No. 207, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO WORK WITH THE LEGISLATURE TO CREATE A PROPOSAL TO IMPROVE THE MANAGEMENT OF THE MOLOKAI IRRIGATION SYSTEM," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 706, transmitting S.C.R. No. 208, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 707, transmitting S.C.R. No. 221, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO UPDATE THE HAWAII COMMERCIAL HARBORS 2020 MASTER PLAN AND ESTABLISH A CENTRALIZED STATEWIDE CARGO AND PASSENGER SHIP ARRIVAL AND DEPARTURE SCHEDULING SYSTEM TO COORDINATE AND IMPROVE THE EFFICIENCY OF SHIP MOVEMENTS AMONG THE HARBORS OF THE STATE; AND REQUESTING THE OFFICE OF PLANNING TO CONDUCT A COMPREHENSIVE STUDY OF CURRENT AND ANTICIPATED HARBOR USES ON OAHU TO IMPROVE HARBOR EFFICIENCY AND EFFECTIVENESS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 708, transmitting S.C.R. No. 224, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII BIOTECH POLICY FORUM TO CONVENE KEY STAKEHOLDERS ON THE USE OF GENETICALLY ENGINEERED CROPS IN HAWAII," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 709, transmitting S.C.R. No. 225, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE "MANAGEMENT AUDIT OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION", CONDUCT A SIMILAR MANAGEMENT AUDIT OF THE AIRPORTS AND HARBORS DIVISIONS, AND CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT'S GENERAL PRACTICE OF PLACING STAFF ON PROLONGED ADMINISTRATIVE ASSIGNMENTS WITHOUT REVISING THEIR JOB RESPONSIBILITIES, IN ORDER TO INFORMALLY INSTITUTE A MAJOR REORGANIZATION NOT REFLECTED IN THE WRITTEN POSITION DESCRIPTIONS, ORGANIZATION CHARTS, AND FUNCTIONAL STATEMENTS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 710, transmitting S.C.R. No. 140, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP, ADOPT, AND ISSUE A GUIDANCE DOCUMENT ON ENVIRONMENTAL JUSTICE POLICY APPLICABLE TO ALL LEVELS OF THE ENVIRONMENTAL REVIEW PROCESS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 711, transmitting S.C.R. No. 142, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE ON SPORTSMANSHIP IN YOUTH SPORTS," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 712, transmitting S.C.R. No. 178, S.D. 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 713, transmitting S.C.R. No. 200, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY AND RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII," which was adopted by the Senate on April 15, 2005.

Sen. Com. No. 714, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 85, HD 2, SD 2	Chair: Inouye Co-Chair: Kokubun Members: Baker, Whalen
H.B. No. 100, HD 1, SD 1	Chair: Taniguchi Members: English, Espero, Fukunaga, Hooser, Inouye, Kanno, Kim, Kokubun, Nishihara, Sakamoto, Tsutsui, Hemmings, Slom, Trimble
H.B. No. 150, HD 2, SD 2	Chair: Inouye Co-Chair: Hanabusa Members: Chun Oakland, Trimble
H.B. No. 438, HD 1, SD 2	Chair: Inouye Co-Chair: Hanabusa Members: Espero, Whalen
H.B. No. 502, HD 1, SD 2	Chair: Inouye Co-Chair: Hanabusa Members: Chun Oakland, Whalen
H.B. No. 588, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 683, HD 1, SD 2	Chair: Baker Co-Chair: Tsutsui Members: Chun Oakland, Taniguchi, Whalen
H.B. No. 685, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 712, HD 2, SD 2	Chair: Fukunaga Co-Chairs: Kokubun, Hanabusa Members: English, Hogue
H.B. No. 862, HD 2, SD 2	Chair: Inouye Co-Chair: Hanabusa Members: Hee, Trimble
H.B. No. 919, HD 1, SD 2	Chair: Inouye Co-Chair: Hanabusa Members: Hee, Whalen
H.B. No. 1709, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 1747, HD 1, SD 1	Chair: Hanabusa Members: English, Hee, Trimble

consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 3, SD 2, HD 2	Chair: Baker Co-Chairs: Chun Oakland, Tsutsui Members: Fukunaga, Taniguchi, Whalen
S.B. No. 27, SD 1, HD 1	Chair: Chun Oakland Co-Chair: Tsutsui Members: Ihara, Fukunaga, Taniguchi, Trimble
S.B. No. 76, SD 1, HD 1	Chair: Inouye Co-Chair: Espero, Menor Member: Whalen
S.B. No. 77, SD 1, HD 1	Chair: Inouye Co-Chair: Espero, Menor Member: Whalen
S.B. No. 244, SD 2, HD 1	Chair: Chun Oakland Co-Chair: Hee, Taniguchi Members: Ihara, Tsutsui, Slom
S.B. No. 440, SD 1, HD 1	Chair: Hanabusa Members: Hee, English, Whalen
S.B. No. 467, SD 2, HD 2	Chair: Hanabusa Co-Chair: Taniguchi Members: Chun Oakland, Kim, Slom
S.B. No. 556, SD 2, HD 2	Chair: Chun Oakland Co-Chair: Hanabusa Members: Fukunaga, Trimble
S.B. No. 617, SD 1, HD 1	Chair: Hanabusa Co-Chair: Taniguchi Members: Chun Oakland, Hogue
S.B. No. 639, SD 2, HD 1	Chair: Sakamoto Co-Chairs: Menor, Taniguchi Members: Hooser, Hogue
S.B. No. 673, SD 2, HD 2	Chair: Hanabusa Co-Chair: Taniguchi Members: Hee, Tsutsui, Slom
S.B. No. 682, SD 2, HD 3	Chair: Baker Co-Chairs: Chun Oakland, Tsutsui Members: Fukunaga, Taniguchi, Whalen
S.B. No. 708, SD 2, HD 2	Chair: Hanabusa Co-Chair: Taniguchi Members: Chun Oakland, Hee, Hogue
S.B. No. 754, SD 1, HD 1	Chair: Menor Members: Espero, Hogue
S.B. No. 791, SD 2, HD 2	Chair: Baker Co-Chair: Tsutsui Members: Chun Oakland, Hanabusa, Taniguchi, Trimble
S.B. No. 873, SD 2, HD 2	Chair: Sakamoto Co-Chair: Taniguchi Members: Hooser, Tsutsui, Hogue
S.B. No. 944, SD 1, HD 1	Chair: Kanno Members: Taniguchi, Trimble

Sen. Com. No. 715, informing the House that the President has appointed as conferees on the part of the Senate, for

S.B. No. 945, SD 1, HD 1	Chair: Kanno Members: Taniguchi, Trimble	S.B. No. 1661, SD 2, HD 2	Chair: Sakamoto Co-Chair: Taniguchi Members: Nishihara, Tsutsui, Hogue
S.B. No. 960, HD 1	Chair: Inouye Co-Chair: Taniguchi Members: Espero, Tsutsui, Whalen	S.B. No. 1729, SD 2, HD 2	Chair: Kim Co-Chair: Taniguchi Members: Nishihara, Tsutsui, Slom
S.B. No. 1022, SD 1, HD 1	Chair: Chun Oakland Co-Chair: Tsutsui Members: Fukunaga, Ihara, Taniguchi, Slom	S.B. No. 1781, HD 1	Chair: Hanabusa Co-Chair: Taniguchi Members: Chun Oakland, Kanno, Hogue
S.B. No. 1038, SD 2, HD 1	Chair: Inouye Co-Chairs: Hee, Taniguchi Member: Whalen	S.B. No. 1814, SD 2, HD 2	Chair: Sakamoto Co-Chairs: Kokubun, Taniguchi
S.B. No. 1114, SD 1, HD 1	Chair: English Co-Chair: Taniguchi Members: Hanabusa, Hemmings	S.B. No. 1816, SD 2, HD 2	Chair: Sakamoto Co-Chairs: Baker, Taniguchi Members: Tsutsui, Hogue
S.B. No. 1129, SD 2, HD 1	Chair: Menor Co-Chair: Taniguchi Members: Baker, Espero, Sakamoto, Tsutsui	S.B. No. 1843, SD 1, HD 2	Chair: Inouye Co-Chair: Taniguchi Members: Espero, Sakamoto, Slom
S.B. No. 1132, SD 2, HD 1	Chair: Menor Co-Chair: Taniguchi Members: Baker, Espero, Hogue	S.B. No. 1872, HD 1	Chair: Chun Oakland Co-Chairs: Baker, Ihara Members: Taniguchi, Tsutsui, Trimble
S.B. No. 1201, SD 2, HD 3	Chair: Baker Co-Chair: Hanabusa, Taniguchi Members: Chun Oakland, Whalen	S.B. No. 1876, SD 2, HD 2	Chair: Inouye Co-Chair: Taniguchi Members: Espero, Kokubun, Slom
S.B. No. 1221, SD 2, HD 1	Chair: Sakamoto Co-Chair: Taniguchi Members: Nishihara, Tsutsui, Hogue	INTRODUCTIONS	
S.B. No. 1262, SD 1, HD 2	Chair: English Co-Chair: Taniguchi Members: Hanabusa, Hemmings	The following introductions were made to the members of the House:	
S.B. No. 1394, SD 2, HD 2	Chair: Sakamoto Co-Chairs: Hee, Taniguchi Members: Tsutsui, Hogue	Representative Takumi introduced sixth, seventh, and eighth-grade students from Saint Andrew's Priory Middle School. They were accompanied by the Head of School, Ms. Marilyn Matsunaga; chaperones, Ms. Ann Young, Mr. Jay Hamura, Ms. Dena King, Mr. Jeff Tam, Ms. Katy Wilson and Mr. Kaimana Kong; and Uncle Joe Tassill.	
S.B. No. 1420, SD 2, HD 3	Chair: Baker Co-Chairs: Chun Oakland, Tsutsui Members: Taniguchi, Whalen	Representative Caldwell introduced Mr. James Bradley, author of <i>Flags of Our Fathers</i> and <i>Flyboys</i> , accompanied by his children, Miss Eva Bradley and Master Jack Bradley; and friend, Ms. Anna Wei.	
S.B. No. 1427, SD 1, HD 2	Chair: English Co-Chairs: Inouye, Taniguchi Member: Hemmings	ORDER OF THE DAY	
S.B. No. 1483, SD 1, HD 1	Chair: Sakamoto Co-Chair: Taniguchi Members: Inouye, Kokubun, Hogue	COMMITTEE ASSIGNMENTS	
S.B. No. 1554, SD 1, HD 2	Chair: English Co-Chair: Taniguchi Members: Hanabusa, Hooser, Kokubun, Hemmings	The following Senate concurrent resolutions were referred to committee by the Speaker:	
S.B. No. 1643, SD 2, HD 2	Chair: Sakamoto Co-Chair: Kokubun Members: Taniguchi, Hogue	S.C.R.	
S.B. No. 1660, SD 2, HD 1	Chair: Sakamoto Co-Chairs: Inouye, Taniguchi Members: Menor, Hogue	Nos.	Referred to:
		17, SD 2	Committee on Economic Development & Business Concerns, then to the Committee on Finance
		19, SD 2	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
		21	Committee on Housing

24, SD 1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	93, SD 2	Committee on Health, then to the Committee on Finance
26	Committee on Human Services	98, SD 1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
27, SD 2	Committee on Transportation	100	Committee on Finance
29, SD 1	Committee on Health, then to the Committee on Finance	106, SD 2	Committee on Economic Development & Business Concerns, then to the Committee on Legislative Management, then to the Committee on Finance
37, SD 2	Committee on Education, then to the Committee on Finance	109, SD 1	Committee on Health, then to the Committee on Finance
39, SD 2	Committee on Human Services, then to the Committee on Finance	110, SD 1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
40, SD 1	Committee on Tourism & Culture, then to the Committee on Finance	121	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
42, SD 1	Jointly to the Committee on Tourism & Culture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	128, SD 1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Human Services, then to the Committee on Finance
44	Committee on Human Services	134, SD 1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
45	Committee on Education	137	Committee on Water, Land, & Ocean Resources
49, SD 1	Committee on Consumer Protection & Commerce	140	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
51, SD 1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	141, SD 1	Committee on Judiciary
54	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	142, SD 1	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
60, SD 1	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services, then to the Committee on Finance	143	Committee on Water, Land, & Ocean Resources
62	Committee on Education	147, SD 1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
64	Committee on International Affairs, then to the Committee on Judiciary	172, SD 1	Jointly to the Committee on Higher Education and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
66	Committee on Education	173	Committee on Higher Education, then to the Committee on Finance
68, SD 1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education, then to the Committee on Finance	174	Committee on Higher Education
70, SD 1	Committee on Public Safety & Military Affairs	176	Jointly to the Committee on International Affairs and the Committee on Hawaiian Affairs
76, SD 1	Committee on Labor & Public Employment	177, SD 1	Committee on Water, Land, & Ocean Resources
78, SD 1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	178, SD 1	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Water, Land, & Ocean Resources
84, SD 1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	183, SD 1	Committee on Higher Education, then to the Committee on Finance
92, SD 1	Committee on Water, Land, & Ocean Resources		

186, SD 1	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources	260, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
199, SD 2	Committee on Health, then to the Committee on Finance	261, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
200, SD 1	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Judiciary	262, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
205	Jointly to the Committee on International Affairs and the Committee on Public Safety & Military Affairs	263, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
207	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	624, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
208, SD 1	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns	875, HD 2, SD 2	Jointly to the Committee on Labor & Public Employment and the Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
221, SD 1	Committee on Transportation	1461, SD 1	Committee on Finance, then to the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
224, SD 1	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns	1465, SD 1	Committee on Finance, then to the Committee on Health
225, SD 1	Committee on Transportation, then to the Committee on Finance	1594, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
		1595, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

250, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	1598, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
251, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	1599, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance
252, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	1666, HD 1, SD 1	Committee on Finance, then to the Committee on Labor & Public Employment, then to the Committee on Public Safety & Military Affairs, then to the Committee on Health
253, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	1747, HD 1, SD 1	Committee on Judiciary, then to the Committee on Finance
254, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance		
255, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
256, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	40, SD 1, HD 1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary
257, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	212, SD 2, HD 2	Committee on Energy & Environmental Protection, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
258, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance	698, HD 1	Committee on Judiciary, then to the Committee on Finance
259, SD 1	Committee on Labor & Public Employment, then to the Committee on Finance		

943, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	<u>S.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
944, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	20	Committee on Health, then jointly to the Committee on Education and the Committee on International Affairs
945, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance		ADJOURNMENT
1045, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance		At 12:20 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, April 20, 2005. (Representatives Chang, Lee, Takamine and Tsuji were excused.)
1046, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance		HOUSE COMMUNICATIONS
1047, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance		House Communication dated April 18, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bills:
1048, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	19, HD 2, SD 2	Waters/Chong, Co-Chrs.; Finnegan
1049, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	20, SD 1	Waters/Chong, Co-Chrs.; Ching
1050, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	97, HD 2, SD 2	Arakaki/Sonson/Nakasone, Co-Chrs.; Moses
1100, SD 2, HD 1	Committee on Judiciary, then to the Committee on Public Safety & Military Affairs	100, HD 1, SD 1	Takamine, Chr.; Carroll, Chong, Evans, Karamatsu, Lee, Magaoay, Nakasone, Nishimoto, Tanaka, Tsuji, Wakai, Yamane, Yamashita, Fox, Meyer, Moses, Pine
1579, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	115, HD 1, SD 2	Ito/Chong, Co-Chrs.; Moses
1580, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	125, HD 2, SD 1	Kanoho, Chr.; Schatz, Meyer
1581, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	128, HD 2, SD 2	Kanoho/Carroll, Co-Chrs.; Fox
1582, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	138, HD 1, SD 1	Takumi/Evans, Co-Chrs.; Berg, Ching
1583, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	140, HD 1, SD 2	Sonson/Takamine, Co-Chrs.; Kawakami
1584, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	150, HD 2, SD 2	Souki/Luke, Co-Chrs.; Lee, Fox
1585, SD 1, HD 1	Committee on Labor & Public Employment, then to the Committee on Finance	155, HD 1, SD 1	Hiraki, Chr.; Schatz, Stonebraker
		160, HD 2, SD 1	Hiraki/Takamine, Co-Chrs.; Marumoto
		161, HD 1, SD 1	Hiraki, Chr.; Herkes, Schatz, Stonebraker
		162, HD 2, SD 1	Herkes/Nakasone, Co-Chrs.; Marumoto
	The following Senate concurrent resolution was re-referred to committee by the Speaker:		

164, HD 1, SD 1	Hiraki/Luke, Co-Chrs.; Marumoto	471, HD 2, SD 2	Chang/Caldwell/Nakasone, Co-Chrs.; Karamatsu, Marumoto
168, HD 2, SD 1	Abinsay/Tsuji, Co-Chrs.; Halford	477, HD 1, SD 1	Hiraki/Luke, Co-Chrs.; Marumoto
169, HD 1, SD 1	Abinsay, Chr.; Tsuji, Halford	488, SD 2	Ito/Tanaka, Co-Chrs.; Stonebraker
214, HD 1, SD 1	Hiraki, Chr.; Herkes, Schatz, Stonebraker	491, SD 2	Kanoho/Carroll, Co-Chrs.; Meyer
222, SD 2	Takumi/Sonson/Kawakami, Co-Chrs.; Berg, Finnegan	500, HD 2, SD 2	Luke/Takamine, Co-Chrs.; Thielen
244, HD 1, SD 1	Sonson/Takamine, Co-Chrs.; Kawakami, Pine	502, HD 1, SD 2	B. Oshiro, Chr.; Luke, Thielen
278, HD 1, SD 1	Luke/Nishimoto, Co-Chrs.; Pine	505, HD 1, SD 2	Sonson/Arakaki/Kawakami, Co-Chrs.; Finnegan
283, HD 1, SD 1	Chang/Kawakami, Co-Chrs.; Karamatsu, Ching	516, HD 2, SD 1	Arakaki/Luke/Schatz/Nishimoto, Co-Chrs.; Finnegan
295, HD 2, SD 2	Ito/Hiraki/Luke/Chong, Co-Chrs.; Marumoto	551, HD 1, SD 2	Luke, Chr.; B. Oshiro, Marumoto
320, HD 1, SD 1	Luke, Chr.; B. Oshiro, Thielen	553, HD 1, SD 1	Luke, Chr.; B. Oshiro, Thielen
328, SD 1	Kanoho/Abinsay/Magaoay, Co-Chrs.; Halford	584, HD 1, SD 1	Hiraki/Luke, Co-Chrs.; Stonebraker
330, HD 1, SD 2	Abinsay/Kanoho/Magaoay, Co-Chrs.; Halford	588, HD 1, SD 1	B. Oshiro, Chr.; Luke, Thielen
384, HD 2, SD 2	Luke/Nishimoto, Co-Chrs.; Thielen	606, HD 1, SD 2	Morita/Hiraki, Co-Chrs.; Schatz, Pine
390, HD 1, SD 2	Souki/Hiraki/Kawakami, Co-Chrs.; Lee, Moses	631, HD 1, SD 2	Caldwell/Nakasone, Co-Chrs.; Meyer
393, HD 1, SD 1	Hiraki/Luke/Tanaka, Co-Chrs.; Stonebraker	644, HD 1, SD 1	Hiraki, Chr.; Herkes, Schatz, Marumoto
408, HD 2, SD 1	Morita/Evans, Co-Chrs.; Fox	683, HD 1, SD 2	Arakaki/Takamine, Co-Chrs.; Finnegan
416, HD 2, SD 2	Morita/Kanoho/Magaoay, Co-Chrs.; Pine	685, SD 1	Hiraki, Chr.; Herkes, Schatz, Stonebraker
422, HD 2, SD 2	Souki/Morita/Kanoho/Lee, Co-Chrs.; Evans, Pine	704, HD 1, SD 2	Caldwell/Takamine, Co-Chrs.; Nakasone, Meyer
429, HD 1, SD 1	Magaoay, Chr.; Yamane, Moses	712, HD 2, SD 2	Kanoho/Carroll/B. Oshiro, Co-Chrs.; Halford
434, SD 1	Luke/Nishimoto, Co-Chrs.; Thielen	758, HD 2, SD 2	Takumi/Caldwell/Chong, Co-Chrs.; Ching
438, HD 1, SD 2	Luke, Chr.; B. Oshiro, Marumoto	769, HD 3, SD 2	Morita/Hiraki/Kawakami, Co-Chrs.; Pine
450, HD 2, SD 2	Saiki/Carroll, Co-Chrs.; Finnegan	785, HD 1, SD 1	Hiraki, Chr.; Herkes, Schatz, Marumoto
460, HD 2, SD 1	Luke/Caldwell/Lee, Co-Chrs.; Thielen	792, HD 1, SD 2	Hale/Abinsay/Tsuji, Co-Chrs.; Halford
466, HD 2, SD 2	Luke/Nishimoto, Co-Chrs.; Moses	806, HD 1, SD 1	B. Oshiro, Chr.; Luke, Marumoto

833, HD 1, SD 1	Kanoho/Luke, Co-Chrs.; Meyer	1017, HD 3, SD 2	Morita/Hiraki/Luke/Yamashita, Co-Chrs.; Thielen
835, HD 2, SD 1	Chang/Hiraki, Co-Chrs.; Marumoto	1029, SD 2	Ito/Kawakami, Co-Chrs.; Yamane, Moses
841, SD 2	Takumi/Caldwell/Chong, Co-Chrs.; Ching	1051, HD 2, SD 2	Arakaki/Hiraki/Karamatsu, Co-Chrs.; Green, Finnegan
842, SD 1	Takumi/Evans, Co-Chrs.; Berg, Ching	1060, HD 2, SD 2	Sonson/Magaoay/Takamine, Co-Chrs.;
843, HD 1, SD 1	Takumi/Evans, Co-Chrs.; Berg, Ching	1082, HD 3, SD 2	Abinsay/Luke/Tsuji, Co-Chrs.; Halford
844, HD 1, SD 2	Takumi/Evans, Co-Chrs.; Berg, Finnegan	1132, HD 1, SD 2	Takumi/Evans, Co-Chrs.; Berg, Ching
852, HD 2, SD 2	Kanoho/Herkes/Wakai, Co-Chrs.; Meyer	1136, HD 3, SD 2	Takumi/Nakasone, Co-Chrs.; Berg, Finnegan
862, HD 2, SD 2	Souki/Luke, Co-Chrs.; Lee, Fox	1146, HD 1, SD 2	Arakaki/Sonson/Caldwell/Nakasone, Co-Chrs.; Yamane, Pine
863, HD 2, SD 2	Morita/Hiraki/Luke/Yamashita, Co-Chrs.; Marumoto	1152, HD 1, SD 1	Souki/Takamine, Co-Chrs.; Lee, Yamane, Pine
864, SD 1	Kanoho/Luke, Co-Chrs.; Thielen	1154, HD 1, SD 2	Abinsay/Hiraki, Co-Chrs.; Schatz, Halford
868, HD 2, SD 1	Hiraki/B. Oshiro, Co-Chrs.; Stonebraker	1200, HD 2, SD 2	Abinsay/Herkes/Tsuji, Co-Chrs.; Halford
875, HD 2, SD 2	Caldwell/Takumi/B. Oshiro/Nakasone, Co-Chrs.; Thielen	1201, HD 2, SD 2	Abinsay/Luke, Co-Chrs.; Halford
895, HD 2, SD 2	Morita/Kanoho/B. Oshiro, Co-Chrs.; Pine	1202, HD 2, SD 2	Abinsay/Luke, Co-Chrs.; Halford
906, HD 1, SD 1	Magaoay/Yamashita, Co-Chrs.; Halford	1214, HD 2, SD 2	Caldwell/Luke/Takamine, Co-Chrs.; Pine
912, HD 1, SD 1	Herkes/Wakai, Co-Chrs.; Ching	1224, SD 1	Takamine, Chr.; Kawakami, Moses
931, HD 2, SD 2	Kanoho/Kahikina/Magaoay, Co-Chrs.; Meyer	1235, HD 1, SD 1	Takamine, Chr.; Kawakami, Meyer
938, HD 1, SD 1	Sonson/Luke, Co-Chrs.; Finnegan	1236, SD 1	Takamine, Chr.; Kawakami, Meyer
954, HD 1, SD 2	Abinsay/Tsuji, Co-Chrs.; Halford	1238, HD 1, SD 2	Morita/Hiraki/Kawakami, Co-Chrs.; Moses
955, HD 1, SD 2	Kanoho/Abinsay/Yamashita, Co-Chrs.; Halford	1276, HD 3, SD 1	Kanoho/Luke/Magaoay, Co-Chrs.; Carroll, Schatz, Meyer
957, HD 1, SD 1	Takamine, Chr.; Kawakami, Fox	1278, HD 2, SD 1	Kanoho/Waters/Magaoay, Co-Chrs.; Thielen
997, HD 1, SD 2	Chang/Nakasone, Co-Chrs.; Karamatsu, Yamashita, Marumoto	1280, HD 1, SD 2	Kanoho/Carroll, Co-Chrs.; Fox
998, HD 2, SD 2	Chang/Herkes/Takamine, Co-Chrs.; Karamatsu, Ching	1295, HD 2, SD 2	Takumi/Evans, Co-Chrs.; Berg, Ching
1015, HD 2, SD 1	Morita/Souki/Lee, Co-Chrs.; Moses	1300, HD 2, SD 2	Takumi/Sonson/Kawakami, Co-Chrs.; Berg, Yamashita, Finnegan
		1301, HD 1, SD 2	Morita/Tsuji/Yamane, Co-Chrs.;

	Pine		Moses
1303, HD 2, SD 2	Kahikina/KanoHo/Caldwell/Nakasone, Co-Chrs.; Nishimoto, Schatz, Pine	1590, HD 2, SD 2	Chang/Herkes/Takamine, Co-Chrs.; Karamatsu, Ching
1304, HD 1, SD 2	Arakaki/Sonson/Hiraki/Nishimoto, Co-Chrs.; Green, Finnegan	1605, HD 1, SD 2	Takumi/Evans, Co-Chrs.; Berg, Thielen
1308, HD 1, SD 2	KanoHo/Karamatsu, Co-Chrs.; Carroll, Schatz, Thielen	1608, HD 1, SD 2	Takumi/Caldwell/Takamine, Co-Chrs.; Ching
1309, HD 2, SD 2	Souki/Takamine, Co-Chrs.; Lee, Yamane, Fox	1614, HD 1, SD 2	Caldwell/Takumi/Nakasone, Co-Chrs.; Berg, Pine
1317, HD 1, SD 1	Sonson/Arakaki/Hiraki/Kawakami, Co-Chrs.;	1640, HD 3, SD 2	KanoHo/Abinsay/Herkes/Takamine, Co-Chrs.; Nakasone, Yamashita, Halford
1318, HD 1, SD 1	Caldwell/Arakaki/Nakasone, Co-Chrs.; Fox	1641, HD 1, SD 2	Abinsay/KanoHo/Herkes/Tsuji, Co-Chrs.; Halford
1320, HD 1, SD 1	Ito/Luke/Chong, Co-Chrs.; Yamane, Stonebraker	1645, HD 1, SD 2	Souki/Takamine, Co-Chrs.; Lee, Yamane, Fox
1360, HD 2, SD 2	Abinsay/Waters/Magaoay, Co-Chrs.; Halford	1657, HD 1, SD 1	Herkes/Karamatsu, Co-Chrs.; Wakai, Moses
1378, HD 1, SD 2	B. Oshiro/Nishimoto, Co-Chrs.; Pine	1659, HD 1, SD 1	KanoHo, Chr.; Schatz, Meyer
1393, HD 2, SD 1	Luke/Lee, Co-Chrs.; Thielen	1668, SD 1	Takamine, Chr.; Kawakami, Marumoto
1413, HD 1, SD 1	Saiki/Kahikina/Nishimoto, Co-Chrs.; Finnegan	1672, SD 1	Takamine, Chr.; Kawakami, Marumoto
1430, HD 2, SD 2	Morita/B. Oshiro, Co-Chrs.; Pine	1709, SD 1	B. Oshiro, Chr.; Luke, Marumoto
1433, SD 2	KanoHo/Morita/Hiraki/Evans, Co-Chrs.; Meyer	1713, HD 1, SD 2	B. Oshiro/Lee, Co-Chrs.; Luke, Fox
1442, HD 2, SD 2	KanoHo/B. Oshiro, Co-Chrs.; Thielen	1728, HD 1, SD 2	Takumi/Takamine, Co-Chrs.; Berg, Ching
1462, SD 1	Kawakami/B. Oshiro, Co-Chrs.; Moses	1733, HD 2, SD 2	Luke/Lee, Co-Chrs.; Marumoto
1476, HD 1, SD 1	KanoHo/Evans, Co-Chrs.; Carroll, Moses	1740, HD 1, SD 2	Luke/Lee, Co-Chrs.; Thielen
1528, HD 2, SD 2	Caldwell/Nakasone, Co-Chrs.; Moses	1745, HD 1, SD 2	Luke/Magaoay, Co-Chrs.; Thielen
1536, HD 1, SD 1	KanoHo/Nishimoto, Co-Chrs.; Carroll, Moses	1747, HD 1, SD 1	B. Oshiro/Kawakami, Co-Chrs.; Thielen
1548, HD 1, SD 1	Caldwell/Nakasone, Co-Chrs.; Moses	1749, HD 2, SD 2	Waters/Luke, Co-Chrs.; Chong, Ching
1550, HD 1, SD 1	Takumi/Luke, Co-Chrs.; Berg, Green, Finnegan	1750, SD 2	Ito/Chong, Co-Chrs.; Yamane, Moses
1554, HD 2, SD 2	KanoHo/Kahikina/Hiraki/Nishimoto, Co-Chrs.; Fox	1758, HD 1, SD 1	Caldwell/Nakasone, Co-Chrs.; Fox
1555, HD 1, SD 1	Takumi/Waters/Evans, Co-Chrs.; Berg, Ching	1763, HD 2, SD 2	Luke/Lee, Co-Chrs.; Moses
1556, HD 1, SD 1	Souki/Abinsay/Evans, Co-Chrs.;	1784, HD 2, SD 2	Hale/Herkes/Wakai, Co-Chrs.; Pine

House Communication dated April 18, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bills:

		527, HD 1, SD 2	Arakaki/Sonson/Kawakami, Co-Chrs.; Cabanilla, Nishimoto, Finnegan
		556, HD 2, SD 2	Sonson/Luke, Co-Chrs.; Cabanilla, B. Oshiro, Thielen
		561, HD 1, SD 1	Arakaki/Sonson/Kawakami, Co-Chrs.; Cabanilla, Fox
3, HD 2, SD 2	Arakaki/Sonson/Kawakami, Co-Chrs.; Finnegan	575, HD 1, SD 1	Chang/Carroll, Co-Chrs.; Karamatsu, Meyer
27, HD 1, SD 1	Arakaki/Sonson/Kawakami, Co-Chrs.; Pine	607, HD 1, SD 1	B. Oshiro, Chr.; Luke, Marumoto
55, HD 2, SD 1	Caldwell/Takamine, Co-Chrs.; Nakasone, Yamashita, Pine	617, HD 1, SD 1	Luke/Lee, Co-Chrs.; Moses
76, HD 1, SD 1	Souki/Luke/Lee, Co-Chrs.; Moses	637, HD 1, SD 2	Ito/Chong, Co-Chrs.; Tanaka, Yamane, Pine
77, HD 1, SD 1	Souki/Hiraki/Luke, Co-Chrs.; Moses	639, HD 1, SD 2	Takumi/Kahikina/Nishimoto, Co-Chrs.; Ching
97, HD 1, SD 1	Takamine, Chr.; Kawakami, Nakasone, Meyer	667, HD 2, SD 2	Waters/Takumi, Co-Chrs.; Shimabukuro, Ching
101, HD 1	Takamine, Chr.; Nakasone, Yamane	669, HD 1, SD 2	Abinsay/Tsuji, Co-Chrs.; Meyer
116, HD 2, SD 2	Waters/Arakaki/Lee, Co-Chrs.; Finnegan	673, HD 2, SD 2	Luke/Takamine, Co-Chrs.; Moses
117, HD 2	Kahikina/B. Oshiro/Nishimoto, Co-Chrs.; Halford	680, HD 1, SD 1	Morita, Chr.; Evans, Waters, Pine
120, HD 1, SD 1	Hiraki, Chr.; Caldwell, Schatz, Marumoto	682, HD 3, SD 2	Arakaki/B. Oshiro/Kawakami, Co-Chrs.; Green, Yamashita, Finnegan
121, HD 1	Herkes/Hiraki/Luke, Co-Chrs.; Schatz, Ching	693, HD 1, SD 1	Hiraki/Luke, Co-Chrs.; Stonebraker
122, HD 3, SD 1	Arakaki/Hiraki/Luke, Co-Chrs.; Finnegan	700, HD 1, SD 1	B. Oshiro, Chr.; Luke, Thielen
212, HD 2, SD 2	Morita/Kanoho/Chong, Co-Chrs.; Fox	702, HD 1, SD 2	Hiraki/Luke, Co-Chrs.; Marumoto
244, HD 1, SD 2	Sonson/Arakaki/Waters/Lee, Co-Chrs.; Shimabukuro, Fox	708, HD 2, SD 2	B. Oshiro/Takamine, Co-Chrs.; Luke, Moses
294, HD 1, SD 3	Caldwell/Takamine, Co-Chrs.; Shimabukuro, Fox	738, HD 1, SD 1	Caldwell/Luke/Nakasone, Co-Chrs.; Meyer
433, HD 1, SD 2	Luke/Magaoay, Co-Chrs.; Marumoto	751, HD 2, SD 2	Caldwell/Hiraki/Luke/Takamine, Co-Chrs.; Herkes, Meyer
440, HD 1, SD 1	B. Oshiro/Kawakami, Co-Chrs.; Luke, Fox	754, HD 1, SD 1	Hiraki/Luke, Co-Chrs.; Herkes, Marumoto
459, HD 1, SD 2	Arakaki/Nishimoto, Co-Chrs.; Pine	761, HD 1, SD 2	Arakaki/Hiraki, Co-Chrs.; Green, Schatz, Finnegan
460, HD 1	Karamatsu, Chr.; Yamane, Yamashita, Moses	768, HD 1, SD 1	Chang/Luke, Co-Chrs.; Ching
467, HD 2, SD 2	Ito/B. Oshiro/Tanaka, Co-Chrs.; Lee, Thielen	791, HD 2, SD 2	Arakaki/Sonson/B. Oshiro/Kawakami, Co-Chrs.; Stonebraker
486, HD 1, SD 2	Sonson/Kawakami, Co-Chrs.; Cabanilla, Stonebraker	797, HD 1, SD 1	Kahikina/Nishimoto, Co-Chrs.;

	Moses		Moses
801, HD 1, SD 2	Kahikina/Nishimoto, Co-Chrs.; Halford	1129, HD 1, SD 2	Hiraki/Takamine, Co-Chrs.; Herkes, Wakai, Stonebraker
802, HD 1, SD 2	Sonson/Arakaki/Takamine, Co-Chrs.; Finnegan	1132, HD 1, SD 2	Hiraki/Takamine, Co-Chrs.; Wakai, Fox
807, HD 1, SD 1	Caldwell/Takamine, Co-Chrs.; Shimabukuro, Moses	1137, HD 1, SD 1	Hiraki/Takamine, Co-Chrs.; Wakai, Fox
813, HD 2, SD 2	Caldwell/Takamine, Co-Chrs.; Shimabukuro, Meyer	1141, HD 2, SD 1	Chang/Hiraki, Co-Chrs.; Karamatsu, Schatz, Ching
817, HD 1, SD 2	Caldwell/Luke/Takamine, Co-Chrs.; Shimabukuro, Pine	1170, HD 1, SD 2	Hiraki/Luke, Co-Chrs.; Marumoto
819, HD 1, SD 1	Kanoho/Luke/Carroll, Co-Chrs.; Meyer	1193, HD 1, SD 1	Caldwell/Nakasone, Co-Chrs.; Chong, Shimabukuro, Pine
834, HD 1, SD 2	Takamine, Chr.; Kawakami, Marumoto	1194, HD 2, SD 1	Caldwell/Nakasone, Co-Chrs.; Chong, Shimabukuro, Halford
873, HD 2, SD 2	Takumi/Kawakami, Co-Chrs.; Berg, Cabanilla, Ching	1201, HD 3, SD 2	Arakaki/B. Oshiro/Takamine, Co-Chrs.; Finnegan
935, HD 1, SD 1	Herkes/Caldwell/Takamine, Co-Chrs.; Shimabukuro, Halford	1221, HD 1, SD 2	Takumi/Takamine, Co-Chrs.; Berg, Cabanilla, Ching
956, HD 1, SD 1	Abinsay, Chr.; Tsuji, Stonebraker	1250, HD 2, SD 2	Caldwell/Takumi/Takamine, Co-Chrs.; Berg, Shimabukuro, Meyer
959, HD 1, SD 2	Hiraki/Chong, Co-Chrs.; Carroll, Meyer	1253, HD 1, SD 1	Takumi, Chr.; Berg, Ching
960, HD 1	Ito/Tanaka, Co-Chrs.; Chong, Stonebraker	1256, HD 1	Waters/B. Oshiro/Nishimoto, Co-Chrs.; Shimabukuro, Pine
962, HD 2, SD 2	Herkes/Caldwell/Takamine, Co-Chrs.; Shimabukuro, Thielen	1257, HD 2, SD 2	Waters/B. Oshiro/Nishimoto, Co-Chrs.; Shimabukuro, Pine
971, HD 1, SD 2	Chang/Hiraki, Co-Chrs.; Karamatsu, Schatz, Ching	1262, HD 2, SD 1	Morita/Evans, Co-Chrs.; Carroll, Moses
982, HD 1, SD 2	Ito/Tanaka, Co-Chrs.; Chong, Stonebraker	1267, HD 2, SD 2	Kanoho/Abinsay/Magaoay, Co-Chrs.; Halford
1003, HD 2, SD 2	Morita/Hiraki, Co-Chrs.; Herkes, Kanoho, Marumoto	1268, HD 2, SD 2	Abinsay/Kanoho/Magaoay, Co-Chrs.; Halford
1018, HD 1, SD 1	Takumi/Sonson, Co-Chrs.; Berg, Cabanilla, Finnegan	1285, HD 1, SD 2	Luke, Chr.; B. Oshiro, Thielen
1022, HD 1, SD 1	Sonson/Arakaki/Kawakami, Co-Chrs.; Finnegan	1336, HD 1, SD 1	Luke/Hiraki, Co-Chrs.; Schatz, Stonebraker
1038, HD 1, SD 2	Herkes/Waters/Magaoay, Co-Chrs.; Shimabukuro, Ching	1348, HD 1, SD 1	Hiraki, Chr.; Schatz, Stonebraker
1065, HD 1, SD 2	Abinsay/Waters/Yamashita, Co-Chrs.; Tsuji, Halford	1349, HD 1, SD 1	Hiraki, Chr.; Schatz, Stonebraker
1081, HD 1, SD 2	Kanoho/Carroll, Co-Chrs.; Evans, Pine	1352, HD 1, SD 1	Caldwell/Arakaki/Takamine, Co-Chrs.; Nakasone, Pine
1100, HD 1, SD 2	Luke/Ito, Co-Chrs.; B. Oshiro, Thielen	1362, HD 1, SD 1	Morita/Souki/Lee, Co-Chrs.; Evans, Meyer
1114, HD 1, SD 1	Morita/Evans, Co-Chrs.; Marumoto	1378, HD 1, SD 2	Kanoho/Ito/Yamane, Co-Chrs.; Stonebraker
1117, HD 1, SD 1	Morita/Evans, Co-Chrs.;	1394, HD 2, SD 2	Takumi/Waters/Takamine, Co-Chrs.;

	Ching		Fox
1410, HD 1, SD 1	Takamine, Chr.; Kawakami, Fox	1721, HD 2, SD 2	Herkes/Nakasone, Co-Chrs.; Abinsay, Meyer
1420, HD 3, SD 2	Arakaki/Sonson/B. Oshiro/Takamine, Co-Chrs.; Green, Pine	1729, HD 2, SD 2	Chang/Takamine, Co-Chrs.; Karamatsu, Marumoto
1427, HD 2, SD 1	Morita/Evans, Co-Chrs.; Thielen	1732, HD 1, SD 1	Kanoho/Ito/Magaoay, Co-Chrs.; Stonebraker
1451, HD 1, SD 2	Kanoho/Waters/Magaoay, Co-Chrs.; Ching	1740, HD 1, SD 1	Takamine, Chr.; Kawakami, Nakasone, Moses
1453, HD 1, SD 2	Morita/Hiraki/Takamine, Co-Chrs.; Stonebraker	1745, HD 1, SD 1	Ito/Nakasone, Co-Chrs.; Chong, Moses
1461, HD 1, SD 2	Kanoho/Waters/Magaoay, Co-Chrs.; Meyer	1747, HD 1, SD 2	Waters/Takamine, Co-Chrs.; Shimabukuro, Ching
1473, HD 1, SD 1	Kanoho/Karamatsu, Co-Chrs.; Pine	1772, HD 2, SD 1	Sonson/B. Oshiro/Takamine, Co-Chrs.; Cabanilla, Finnegan
1483, HD 1, SD 1	Takumi/Evans, Co-Chrs.; Ching	1778, HD 1, SD 2	Hiraki/Takamine, Co-Chrs.; Schatz, Marumoto
1554, HD 2, SD 1	Morita/Kanoho/Waters/Evans, Co-Chrs.; Shimabukuro, Fox	1780, HD 2, SD 2	Sonson/Magaoay, Co-Chrs.; Cabanilla, Stonebraker
1557, HD 2, SD 2	Morita/Hiraki/Takamine, Co-Chrs.; Schatz, Moses	1781, HD 1	Ito/Tanaka, Co-Chrs.; Chong, Meyer
1592, HD 2, SD 1	Herkes/Kanoho/Nakasone, Co-Chrs.; Meyer	1792, HD 1, SD 1	Herkes/Hale/Wakai, Co-Chrs.; Ching
1620, HD 2, SD 2	Arakaki/Sonson/Caldwell/Takamine, Co-Chrs.; Yamane, Finnegan	1796, HD 1, SD 1	Luke, Chr.; B. Oshiro, Thielen
1636, HD 1, SD 2	Caldwell/Takumi/Takamine, Co-Chrs.; Shimabukuro, Ching	1798, HD 1	Hiraki, Chr.; Schatz, Stonebraker
1643, HD 2, SD 2	Takumi/Caldwell/Takamine, Co-Chrs.; Shimabukuro, Finnegan	1814, HD 2, SD 2	Takumi/Herkes/Kanoho/Kahikina/ Takamine, Co-Chrs.; Evans, Halford
1650, HD 1, SD 2	Ito/Chong, Co-Chrs.; Tanaka, Moses	1816, HD 2, SD 2	B. Oshiro/Takumi/Kawakami, Co-Chrs.; Thielen
1660, HD 1, SD 2	Takumi/Takamine, Co-Chrs.; Ching	1843, HD 2, SD 1	Herkes/Luke/Magaoay, Co-Chrs.; Marumoto
1661, HD 2, SD 2	Takumi/Caldwell/Takamine, Co-Chrs.; Yamashita, Finnegan	1854, HD 2, SD 1	Kahikina/Nishimoto, Co-Chrs.; Halford
1685, HD 1, SD 2	Takamine, Chr.; Tanaka, Fox	1872, HD 1	Kawakami, Chr.; Nishimoto, Pine
1695, HD 2, SD 2	Herkes/Hiraki/Takamine, Co-Chrs.; Schatz, Wakai, Yamane, Marumoto	1876, HD 2, SD 2	Souki/B. Oshiro/Lee, Co-Chrs.; Fox
1697, HD 1, SD 2	Souki/Waters/Takamine, Co-Chrs.; Shimabukuro, Fox	1877, HD 1	Herkes/Kanoho/Wakai, Co-Chrs.; Evans, Marumoto
1698, HD 1, SD 2	Herkes/Takumi/Takamine, Co-Chrs.; Kawakami, Marumoto	1883, HD 1, SD 2	Kanoho/Carroll, Co-Chrs.; Thielen
1699, HD 1, SD 1	Chang/Karamatsu, Co-Chrs.; Pine	1891, HD 2, SD 2	Kanoho/Takamine, Co-Chrs.; Schatz, Tanaka, Meyer
1702, HD 2, SD 1	Herkes/Caldwell/B. Oshiro/Nakasone, Co-Chrs.;	1893, HD 1	Kanoho/Morita, Co-Chrs.; Evans, Schatz, Thielen

1903, HD 1, SD 1 Herkes/Morita/Hiraki, Co-Chrs.;
Stonebraker

FIFTY-FIRST DAY

Wednesday, April 20, 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 in song by Representative Lynn Finnegan, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Lee, Stonebraker and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 199 through 202) were received and announced by the Clerk:

Gov. Msg. No. 199, informing the House that on April 19, 2005, the following bill was signed into law:

H.B. No. 119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS." (ACT 013)

Gov. Msg. No. 200, informing the House that on April 19, 2005, the following bill was signed into law:

H.B. No. 894, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS." (ACT 014)

Gov. Msg. No. 201, informing the House that on April 19, 2005, the following bill was signed into law:

S.B. No. 789, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES." (ACT 015)

Gov. Msg. No. 202, informing the House that on April 20, 2005, the following bill was signed into law:

S.B. No. 780, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED." (ACT 016)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 716 through 721) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 716, informing the House that the Senate has, on April 18, 2005, reconsidered action taken on April 12, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1235, "RELATING TO ELDERLY CARE."
HD 1

Sen. Com. No. 717, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

19, HD2, SD2	Hee, Chair; Taniguchi, Co-Chair; Tsutsui, Trimble
20, SD1	Hee, Chair; Taniguchi, Co-Chair; Trimble
31, HD2, SD2	Baker, Chair; Chun Oakland/Hanabusa/Menor/ Taniguchi, Co-Chairs; Tsutsui
97, HD2, SD2	Chun Oakland, Chair; Baker/Menor/Taniguchi, Co-Chairs; Ige, Hogue
99, HD1, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Hogue
106, HD3, SD2	Baker, Chair; Menor, Co-Chair; Chun Oakland, Espero, Whalen
109, HD1, SD2	Kokubun, Chair; Hanabusa/Taniguchi, Co-Chairs; Hemmings
115, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
128, HD2, SD2	Kokubun, Chair; Espero/Taniguchi, Co-Chairs; Hemmings
138, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
140, HD1, SD2	Chun Oakland, Chair; Taniguchi, Co-Chair; Hooser, Kokubun, Tsutsui
155, HD1, SD1	Kim, Chair; Menor, Co-Chair; Nishihara, Tsutsui, Slom
160, HD2, SD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Hogue
162, HD2, SD1	Espero, Chair; Inouye/Taniguchi, Co-Chairs; Trimble
164, HD1, SD1	Fukunaga, Chair; Hanabusa/Menor, Co-Chairs; English, Hogue
168, HD2, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
222, SD2	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Fukunaga, Tsutsui, Hogue

244, HD1, SD1	Chun Oakland, Chair; Tsutsui, Co-Chair; Hooser, Taniguchi, Trimble	325, SD2	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui
250, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	328, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
251, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	330, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
252, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	332, HD1, SD2	Baker, Chair; Menor, Co-Chair; Chun Oakland, Espero
253, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	384, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Whalen
254, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	390, HD1, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Hogue
255, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	393, HD1, SD1	Ige, Chair; Hanabusa/Taniguchi, Co-Chairs; Kim, Slom
256, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	408, HD2, SD1	English, Chair; Taniguchi, Co-Chair; Hooser, Hemmings
257, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	416, HD2, SD2	Espero, Chair; Kokubun/Taniguchi, Co-Chairs; Trimble
258, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	429, HD1, SD1	Ige, Chair; Taniguchi, Co-Chair; Kim, Kokubun, Hogue
259, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	434, SD1	Hanabusa, Chair; Ige/Taniguchi, Co-Chairs; Chun Oakland, Whalen
260, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	447, HD1, SD1	Hanabusa, Chair; Taniguchi, Co-Chair; English, Whalen
261, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	450, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; English, Espero, Fukunaga, Hooser, Inouye, Kanno, Kim, Kokubun, Nishihara, Sakamoto, Tsutsui, Hemmings, Slom, Trimble
262, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	460, HD2, SD1	Hanabusa, Chair; Kanno/Taniguchi, Co-Chairs; Hee, Whalen
263, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	466, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Tsutsui, Whalen
278, HD1, SD1	Hanabusa, Chair; Taniguchi, Co-Chair; Chun Oakland, Whalen	471, HD2, SD2	Kim, Chair; Kanno/Taniguchi, Co-Chairs; Nishihara, Slom
283, HD1, SD1	Fukunaga, Chair; Taniguchi, Co-Chair; Hogue	477, HD1, SD1	Menor, Chair; Hanabusa, Co-Chair; Ige, Hogue
295, HD2, SD2	Sakamoto, Chair; Menor, Co-Chair; Tsutsui, Hogue		

488, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Chun Oakland, Whalen	843, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Nishihara, Hogue
491, SD2	Kokubun, Chair; Espero/Taniguchi, Co-Chairs; Hemmings	844, HD1, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Hogue
500, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; English, Espero, Fukunaga, Hooser, Inouye, Kanno, Kim, Kokubun, Nishihara, Sakamoto, Tsutsui, Hemmings, Slom, Trimble	852, HD2, SD2	Kokubun, Chair; Espero/Hanabusa, Co-Chairs; Hemmings
505, HD1, SD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Hooser, Taniguchi, Trimble	864, SD1	Ige, Chair; Hanabusa, Co-Chair; Chun Oakland, Kim, Slom
516, HD2, SD1	Baker, Chair; Inouye/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen	868, HD2, SD1	Menor, Chair; Baker, Hogue
551, HD1, SD2	Ige, Chair; Hanabusa, Co-Chair; Chun Oakland, Nishihara, Slom	875, HD2, SD2	Hanabusa, Chair; Sakamoto/Taniguchi, Co-Chairs; Kanno, Whalen
556, SD1	Menor, Chair; Taniguchi, Co-Chair; Ige, Tsutsui, Hogue	895, HD2, SD2	English, Chair; Kokubun/Hanabusa Co-Chairs; Hemmings
584, HD1, SD1	Menor, Chair; Sakamoto, Hogue	906, HD1, SD1	Fukunaga, Chair; Inouye/Taniguchi, Co-Chairs; Ihara, Hogue
606, HD1, SD2	English, Chair; Kokubun/Menor, Co-Chairs; Hemmings	912, HD1, SD1	Espero, Chair; Taniguchi, Co-Chair; Inouye, Trimble
631, HD1, SD2	Kanno, Chair; Taniguchi, Co-Chair; Slom	931, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Hooser, Hogue
704, HD1, SD2	Kanno, Chair; Taniguchi, Co-Chair; Slom	938, HD1, SD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Fukunaga, Whalen
758, HD2, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Hogue	954, HD1, SD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; Hooser, Hemmings
769, HD3, SD2	Menor, Chair; Taniguchi, Co-Chair; Hooser, Hogue	955, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
792, HD1, SD2	English, Chair; Kokubun/Taniguchi, Co-Chairs; Hemmings	997, HD1, SD2	Kim, Chair; Taniguchi, Co-Chair; Nishihara, Tsutsui, Hogue
835, HD2, SD1	Kim, Chair; Menor, Co-Chair; Nishihara, Tsutsui, Slom	998, HD2, SD2	Kim, Chair; Espero/Taniguchi, Co-Chairs; Hee, Whalen
841, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Hogue	1017, HD3, SD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Hanabusa, Hemmings
842, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Kokubun, Hogue	1029, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
		1051, HD2, SD2	Baker, Chair; Menor/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen

1060, HD2, SD2	Chun Oakland, Chair; Hanabusa/Tsutsui, Co-Chairs; Ihara, Taniguchi, Whalen	1308, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; English, Tsutsui
1082, HD3, SD2	Kokubun, Chair; Hanabusa/Taniguchi, Co-Chairs; Hemmings	1317, HD1, SD1	Chun Oakland, Chair; Baker, Co-Chair; Taniguchi, Tsutsui, Whalen
1132, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Whalen	1318, HD1, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Whalen
1136, HD3, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Kokubun, Hogue	1320, HD1, SD1	Ige, Chair; Hanabusa/Taniguchi, Co-Chairs; Tsutsui, Slom
1146, HD1, SD2	Chun Oakland, Chair; Kanno/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Whalen	1360, HD2, SD2	Kokubun, Chair; Hee/Taniguchi, Co-Chairs; Hemmings
1152, HD1, SD1	Inouye, Chair; Taniguchi, Co-Chair; Menor, Nishihara, Whalen	1378, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Chun Oakland, Whalen
1154, HD1, SD2	Kokubun, Chair; Menor, Co-Chair; Hooser, Hemmings	1393, HD2, SD1	Hanabusa, Chair; Taniguchi, Co-Chair; Chun Oakland, Whalen
1200, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings	1430, HD2, SD2	English, Chair; Hanabusa, Co-Chair; Hemmings
1201, HD2, SD2	Kokubun, Chair; Hanabusa, Co-Chair; Hemmings	1433, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
1202, HD2, SD2	Kokubun, Chair; Hanabusa, Co-Chair; Hemmings	1442, HD2, SD2	Kokubun, Chair; Hanabusa, Co-Chair; Hee, Hooser, Hemmings
1238, HD1, SD2	Kokubun, Chair; English/Taniguchi, Co-Chairs; Hemmings	1461, SD1	Taniguchi, Chair; Tsutsui, Co-Chair; Slom
1276, HD3, SD1	Kokubun, Chair; Hanabusa/Taniguchi, Co-Chairs; Hemmings	1476, HD1, SD1	Fukunaga, Chair; Kokubun/Taniguchi, Co-Chairs; Hogue
1278, HD2, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings	1528, HD2, SD2	Kanno, Chair; Inouye/Taniguchi, Co-Chairs; Slom
1280, HD1, SD2	Kokubun, Chair; Hee/Taniguchi, Co-Chairs; Trimble	1536, HD1, SD1	English, Chair; Taniguchi, Co-Chair; Hemmings
1295, HD2, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue	1548, HD1, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Whalen
1300, HD2, SD2	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Fukunaga, Tsutsui, Hemmings	1550, HD1, SD1	Sakamoto, Chair; Baker/Hanabusa, Co-Chairs; Nishihara, Hogue
1301, HD1, SD2	English, Chair; Taniguchi, Co-Chair; Kokubun, Hemmings	1554, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Hogue
1304, HD1, SD2	Baker, Chair; Menor/Taniguchi, Co-Chairs; Chun Oakland, Tsutsui	1555, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Kokubun, Hogue

1556, HD1, SD1	Inouye, Chair; Kokubun/Taniguchi, Co-Chairs; Espero, Whalen	1749, HD2, SD2	Hee, Chair; Hanabusa, Co-Chair; Trimble
1594, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	1750, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Chun Oakland, Kanno, Whalen
1595, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	1758, HD1, SD1	Kanno, Chair; Taniguchi, Co-Chair; Hogue
1596, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	1763, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Whalen
1597, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	1784, HD 2, SD 2	English, Chair; Espero/Taniguchi, Co-Chairs; Whalen
1598, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	Sen. Com. No. 718, 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:	
1599, SD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui, Slom	55, SD1, HD2	Kanno, Chair; Tsutsui, Co-Chair; Taniguchi
1605, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue	60, SD1, HD1	Menor, Chair; Baker, Ige, Kanno, Hogue
1614, HD1, SD2	Kanno, Chair; Sakamoto/Taniguchi, Co-Chairs; Tsutsui, Whalen	116, SD2, HD2	Hee, Chair; Baker/Taniguchi, Co-Chairs; Trimble
1640, HD3, SD2	Kokubun, Chair; Taniguchi, Co-Chair; English, Tsutsui, Hemmings	120, SD1, HD1	Menor, Chair; Espero, Hogue
1641, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings	121, HD1	Espero, Chair; English/Hanabusa, Co-Chairs; Baker, Slom
1657, HD1, SD1	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Hogue	122, SD1, HD3	Baker, Chair; Hanabusa, Co-Chair; Chun Oakland, Whalen
1659, HD1, SD1	Kokubun, Chair; Hooser, Co-Chair; Hemmings	212, SD2, HD2	Kokubun, Chair; English/Taniguchi, Co-Chairs; Hemmings
1713, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Ihara, Whalen	294, SD3, HD1	Kanno, Chair; Taniguchi, Co-Chair; Inouye
1728, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Nishihara, Tsutsui, Hogue	433, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; English, Hee, Hooser, Whalen
1733, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Chun Oakland, Hee, Whalen	486, SD2, HD1	Chun Oakland, Chair; Ige/Tsutsui, Co-Chairs; Fukunaga, Kokubun, Taniguchi, Trimble
1740, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Tsutsui, Whalen	669, SD2, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
1745, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Whalen	738, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Slom
		751, SD2, HD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Slom

761, SD2, HD1	Baker, Chair; Menor, Co-Chair; Chun Oakland, Whalen	1285, SD2, HD1	Baker, Chair; Chun Oakland/Menor, Co-Chairs; Hanabusa, Whalen
797, SD1, HD1	Menor, Chair; Espero, Hogue	1352, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Hanabusa, Whalen
801, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Kokubun, Hogue	1378, SD2, HD1	Espero, Chair; Fukunaga/Taniguchi, Co-Chairs; Trimble
802, SD2, HD1	Baker, Chair; Menor/Tsutsui, Co-Chairs; Chun Oakland, Ige, Taniguchi	1453, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Baker, Nishihara, Hogue
807, SD1, HD1	Kanno, Chair; Inouye/Taniguchi, Co-Chairs; Tsutsui, Slom	1557, SD2, HD2	English, Chair; Kokubun/Menor, Co-Chairs; Hooser, Hemmings
813, SD2, HD2	Kanno, Chair; Taniguchi, Co-Chair; Slom	1592, SD1, HD2	Kokubun, Chair; Taniguchi, Co-Chair; English, Hemmings
817, SD2, HD1	Kanno, Chair; Taniguchi, Co-Chair; Slom	1620, SD2, HD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Fukunaga, Hooser, Kokubun
935, SD1, HD1	Kanno, Chair; Inouye/Taniguchi, Co-Chairs	1685, SD2, HD1	Ige, Chair; Taniguchi, Co-Chair; Fukunaga, Tsutsui, Slom
1003, SD2, HD2	English, Chair; Menor, Co-Chair; Ige, Kokubun, Hemmings	1697, SD2, HD1	Espero, Chair; Inouye/Taniguchi, Co-Chairs; Fukunaga, Trimble
1018, SD1, HD1	Chun Oakland, Chair; Sakamoto, Co-Chair; Fukunaga, Trimble	1721, SD2, HD2	Espero, Chair; Fukunaga/Taniguchi, Co-Chairs; Kim, Hogue
1081, SD2, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Espero, Nishihara, Hemmings	1772, SD1, HD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Fukunaga, Taniguchi, Trimble
1100, SD2, HD1	Baker, Chair; Menor, Co-Chair; Chun Oakland, Hanabusa, Whalen	1778, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Ige, Hogue
1117, SD1, HD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Hogue	1780, SD2, HD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Hooser, Ihara, Kanno, Kokubun, Taniguchi, Trimble
1137, SD1, HD1	Menor, Chair; Espero, Hogue	1854, SD1, HD2	Chun Oakland, Chair; Menor/Tsutsui, Co-Chairs; Fukunaga, Hooser, Taniguchi, Trimble
1193, SD1, HD1	Kanno, Chair; Hanabusa/Taniguchi, Co-Chairs; Slom	1877, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Espero, Hemmings
1194, SD1, HD2	Kanno, Chair; Taniguchi, Co-Chair; Slom	1888, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Tsutsui
1250, SD2, HD2	Kanno, Chair; Sakamoto/Taniguchi, Co-Chairs; Hanabusa, Hogue	1891, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings
1267, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Hanabusa, Hemmings	1897, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; English, Tsutsui
1268, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings		

1903, SD1, HD1 Kokubun, Chair;
English/Menor, Co-Chairs;
Hemmings

Sen. Com. No. 719, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

422, HD2, SD2 English, Chair;
Inouye/Taniguchi, Co-Chairs;
Whalen

1015, HD 2, SD 1 English, Chair;
Inouye/Menor/Taniguchi, Co-Chairs;
Hemmings

1224, SD 1 Taniguchi, Chair;
Fukunaga, Co-Chair;
Ige, Tsutsui, Trimble

1235, HD 1, SD 1 Taniguchi, Chair;
Tsutsui, Hemmings

1236, SD 1 Taniguchi, Chair;
Tsutsui, Hemmings

1309, HD 2, SD 2 Taniguchi, Chair;
Ige/Inouye, Co-Chairs;
Espero

1590, HD 2, SD 2 Fukunaga, Chair;
Taniguchi, Co-Chair;
Ige, Tsutsui, Hogue

1608, HD 1, SD 2 Kanno, Chair;
Taniguchi, Co-Chair;
Fukunaga, Hemmings

1645, HD 1, SD 2 Taniguchi, Chair;
Ige/Inouye, Co-Chairs;
Espero, Tsutsui

1668, SD 1 Taniguchi, Chair;
Tsutsui, Slom

1672, SD 1 Taniguchi, Chair;
Kokubun, Tsutsui

Sen. Com. No. 720, 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:

97, SD1, HD1 Taniguchi, Chair;
Tsutsui, Hemmings

101, HD 1 Taniguchi, Chair;
Tsutsui, Slom

117, HD 2 Menor, Chair;
Baker, Tsutsui, Hogue

460, HD 1 Taniguchi, Chair;
Tsutsui, Slom

834, SD 2, HD 1 Taniguchi, Chair;
Tsutsui, Trimble

1740, SD 1, HD 1 Taniguchi, Chair;
Tsutsui, Hemmings

1745, SD 1, HD 1 Taniguchi, Chair;
Tsutsui, Slom

1808, SD 1, HD 1 Kanno, Chair;
Menor/Taniguchi, Co-Chairs;
Tsutsui

1889, SD 1, HD 2 Kanno, Chair;
Hee/Menor, Co-Chairs

Sen. Com. No. 721, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 505, Discharged Senator Trimble as a
HD 1, SD 2 member.
Added Senator Hemmings as member.

S.B. No. 802, Added Senator Slom as a member.
SD 2, HD 1

S.B. No. 944, Discharged Senator Taniguchi as a
SD 1, HD 1 member.
Added Senator Taniguchi as a Co-Chair.

S.B. No. 945, Discharged Senator Taniguchi as a
SD 1, HD 1 member.
Added Senator Taniguchi as a Co-Chair.

S.B. No. 1453, Discharged Senator Hogue as a member.
SD 2, HD 1

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 33) was received by the Clerk and was placed on file:

Dept. Com. No. 33, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, *Financial Audit of the Department of Agriculture*.

INTRODUCTIONS

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

Representative Magaoay introduced Mr. Ed D'Ascoli of Haleiwa, founder of wetsuit manufacturer Xcel Hawaii, Inc. and the Xcel Pro surf contest. He was accompanied by Representative Magaoay's legislative staff, Ms. Judy Fomin.

Representative Chong introduced, on behalf of Representative Thielen and himself, students of St. Anthony's School and Kailua High School, winners of the Kapa'a Quarry Road clean up.

St. Anthony's School: Carissa Delgado, Kawena Carvalho-Aweau, Cole Caires, JB Ferreira, Michelle Choi, and teacher Ms. Marcia Clinton.

Kailua High School: Alysa Iha, Tony Rose Lacaniao, Tanya Sasaoka, Mika Sawada, David Young, and teacher Mr. JJ Feurer.

Representative Chong, on behalf of Representatives Meyer, Ito, Kawakami and himself, also introduced his legislative 'shadows' from the King Intermediate School Student Council, Reanne Nakapaahu and Ashley Crowell.

Representative Luke introduced Minister Jungyu Yang, Chair of the Law Committee of the National People's Congress of the People's Republic of China. He was accompanied by Mr. Raymond Tam of Honolulu, Past President of the International Academy of Trial Lawyers.

Representative Yamane introduced, on behalf of Representative M. Oshiro and himself, business leaders in the recycling community: Mr. Allen Evans of Refrigerant Recycling, Ms. Annette Schmale of ENVIPCO, Mr. Dominic Henriques of Roloffs Hawaii, Mr. Terry Telfer and Mr. Bruce Iverson of Reynolds Recycling, Mr. Jim Banigan and Ms. Rene Mansho of Hawaii Metal Recycling, Ms. Suzie Say and Mr. Dean Isara of Honolulu Recovery Systems, and Mr. Noel Alana and Mr. Mark Kuhns of Land Breeze Inc.

Representative Pine introduced Marines and Sailors of the Kaneohe Marine Corps Base Hawaii: Ms. Cynthia Harris, Mr. Brian McGonigal, Mr. Ken Maroon, Mr. Ricardo Mosquera, Mr. Raymond Bell, Mr. Brook Trout, Ms. Brittney Waddell, Mr. Carlo Rodriguez, Mr. Michael Cifuentes, Mr. Willie Nelson, Mr. Peter Gilmore, and Mr. Steve Kable. They were accompanied by Representative Pine's legislative staff, Mr. John Golner.

Representative Finnegan introduced, on behalf of Representatives Wakai, Arakaki and herself, ESL seniors from Moanalua High School: Yun Jun Gao, Roman Matthew, Louis Shin, Mi Ae Yim, Jong Min Yoo, and their teacher Ms. Laurie Dirnberger. They were accompanied by Representative Finnegan's legislative staff, Mr. Aaron Johanson.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B.
Nos.

Re-referred to:

624, Committee on Finance
SD1

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.
Nos.

Re-referred to:

39, Committee on Human Services
SD2

68, Committee on Higher Education
SD1

85, Committee on Education
SD1

98, Committee on Judiciary
SD1

110, Committee on Health, then to the Committee on Finance
SD1

128, Committee on Public Safety & Military Affairs
SD1

134, Committee on Water, Land, & Ocean Resources
SD1

135, Committee on Finance
SD1

140, Committee on Energy & Environmental Protection

178, Jointly to the Committee on Hawaiian Affairs and
SD1 the Committee on Housing and the Committee on
Water, Land, & Ocean Resources

183, Committee on Finance
SD1

188, Committee on Education

197, Committee on Judiciary, then to the Committee on
SD1 Finance

200, Committee on Judiciary
SD1

STANDING COMMITTEE REPORTS

Representatives Souki and Sonson, for the Committee on Transportation and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1726), recommending that S.C.R. No. 96, 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.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DEVELOP A STRATEGIC PLAN FOR FURNISHING SENIOR TRANSPORTATION OPTIONS IN THEIR COUNTY," was referred to the Committee on Finance with Representatives Lee, Stonebraker and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1727), recommending that S.C.R. No. 107, SD 1, 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.C.R. No. 107, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND EVALUATE CURRENT COUNTY OF HAWAII 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 THE COUNTY," was referred to the Committee on Finance with Representatives Lee, Stonebraker and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1728), recommending that S.C.R. No. 20, as amended in HD 1, be referred jointly to the Committee on Education and 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 S.C.R. No. 20, HD 1, entitled: "SENATE 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 jointly to the Committee on Education and the Committee on International Affairs with Representatives Lee, Stonebraker and Takumi being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1729), recommending that S.C.R. No. 7, 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.C.R. No. 7, HD 1, entitled: "SENATE 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 Lee, Stonebraker and Takumi being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1730), recommending that S.C.R. No. 95, 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 S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING KOKUA COUNCIL TO CONVENE THE 2005 MODEL LEGISLATURE," was referred to the Committee on Legislative Management with Representatives Lee, Stonebraker and Takumi being excused.

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 certain House bills. (Representatives Lee, Stonebraker and Takumi 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 the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Lee, Stonebraker and Takumi were excused.)

H.B. No. 98, HD 2 (SD 1)
 H.B. No. 447, HD 1 (SD 1)
 H.B. No. 515 (SD 1)
 H.B. No. 556 (SD 1)
 H.B. No. 919, HD 1 (SD 2)
 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)

ANNOUNCEMENTS

Representative Ito, for the Committee on Public Safety & Military Affairs requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 128, SD 1, Requesting the Department of Public Safety, the Department of Human Services, and Community Partners to Establish a Task Force and to Participate in Developing Programs and Support Services for Children of Incarcerated Parents, as well as Strengthen the Family Bond, tomorrow, Thursday at 9:00 a.m. in Room 309, and the Chair "so ordered."

Representative Waters, for the Committee on Higher Education requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 68, SD 1, Requesting the Auditor to Conduct an Audit of the Approval and Decision-Making Procedures and the Project Approval Process for the Mauna Kea Science Reserve, and the Chair "so ordered."

Representative Thielen: "Thank you, Mr. Speaker. I just want to remind my colleagues about this Friday, in honor of Earth Day, to remember to wear a natural fiber aloha shirt or a hemp shirt."

At 12:30 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

Representative Waters: "Sorry Mr. Speaker, I forgot to mention that the hearing on S.C.R. 68, will be held on April 21st at 3:05 pm in room 423."

Representative Arakaki, for the Committee on Health, requested a waiver of the 48-hour advance notice requirement to H.R. No. 72, Requesting the Governor and Directors of Health and Civil Defense to Prepare for Possible Influenza Pandemic.

Representative Arakaki: "Just to notify Members that we will be amending that measure to congratulate Maui's collective efforts for the establishment of a new upgraded and integrated air and ground emergency medical services system for Maui citizens. And drafts are available in my office if they would like to see it. This hearing will be tomorrow at 8:30 am in Room 329 with your concurrence. Thank you, Mr. Speaker," and the Chair "so ordered."

Representative Sonson, for the Committee on Human Services requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 39, SD 2, Requesting the Auditor to Assess the Social and Financial Effects of Requesting Health Insurers to Offer Coverage for Marriage and Family Therapy, tomorrow, Thursday, April 21, 2005, at 9:30 a.m. in Room 329, and the Chair "so ordered."

Representative Finnegan: "Thank you, Mr. Speaker. I just wanted to announce the arrival of Carmel Stonebraker, who is Bud and Keren Stonebraker's fourth daughter. She was born at Castle Medical Center and she is seven pounds and six ounces."

Representative B. Oshiro, for the Committee on Judiciary requested a waiver of the 48-hour advance notice requirement to hear the following measures tomorrow, Thursday, April 21, 2005, at 5:30 p.m. in Room 325, and the Chair "so ordered."

SCR No. 141, Dealing with the taskforce to look at the classification of offenses of assault and terrorist threatening;

SCR No. 197, SD 1, Requesting the Department of Health to Convene a Medical Marijuana Working Group; and

SCR No. 200, SD 1, Requesting a Study on the Feasibility of Stem Cell Research.

Representative Evans, for the Committee on Energy & Environmental Protection requested a waiver of the 48-hour advance notice requirement to hear SCR No. 140, Requesting the Department of Health to Develop, Adopt, and Issue a Guidance Document on Environmental Justice Policy Applicable to All Levels of the Environmental Review Process, tomorrow, Thursday, April 21, 2005 at 8:30 a.m. in Room 312, and the Chair "so ordered."

Representative Berg, for the Committee on Education requested a waiver of the 48-hour advance notice requirement to hold decision making on S.C.R. No. 66, Urging the Department of Education and the Board of Education to Adopt Policies and Programs that Promote School Connectedness and Address Behavioral Changes, to be scheduled for today, Wednesday at 2:15 p.m. in Room 329, and the Chair "so ordered."

Representative Marcus Oshiro: "Mr. Speaker, my office will be hosting a root beer and coke float sale tomorrow, to benefit the Hawaii Foodbank at 1:30 pm until *pau* in room 437. They'll be offered at \$2 or a 'love donation', Mr. Speaker. Thank you."

Speaker Say: "What is a love donation?"

Representative Marcus Oshiro: "It's any donation that comes from your heart, Mr. Speaker."

ADJOURNMENT

At 12:37 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, April 21, 2005. (Representatives Lee, Stonebraker and Takumi were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 18, 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 made the following changes to the conferees on the following measure:

H.B. No. 100, Added Representative Kawakami as a member.
HD 1, SD 1

House Communication dated April 19, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 85, Souki/Kanoho/Lee, Co-Chairs;
HD 2, SD 2 Ito, Fox

House Communication dated April 19, 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 made the following changes to the conferees on the following measures:

H.B. No. 450, Discharged Representative Carroll as Co-Chair. Added Representative Takamine as Co-Chair. Added Representative Carroll as a member.
HD 2, SD 2

H.B. No. 835, Added Representative Karamatsu as a member.
HD 2, SD 1

H.B. No. 841, Added Representative Karamatsu as a member.
SD 2

H.B. No. 863, Added Representative Karamatsu as a member.
HD 2, SD 2

H.B. No. 864, Added Representative Karamatsu as a member.
SD 1

H.B. No. 1300, Added Representative Karamatsu as a member.
HD 2, SD 2

H.B. No. 1309, Added Representative Karamatsu as a member.
HD 2, SD 2

H.B. No. 1713, Added Representative Karamatsu as a member.
HD 1, SD 2

H.B. No. 1747, Added Representative Karamatsu as a member.
HD 1, SD 1

S.B. No. 55, SD 1, Added Representative Karamatsu as a member.
HD 2

S.B. No. 212, Added Representative Karamatsu as a member.
SD 2, HD 2

S.B. No. 294, Added Representative Karamatsu as a member.
SD 3, HD 1

S.B. No. 440, Added Representative Karamatsu as a member.
SD 1, HD 1

S.B. No. 682, Added Representative Karamatsu as a member.
SD 2, HD 3

S.B. No. 1081, Added Representative Karamatsu as a member.
SD 2, HD 1

S.B. No. 1378, Added Representative Karamatsu as a member.
SD 2, HD 1

S.B. No. 1695, Added Representative Karamatsu and Stonebraker as members.
SD 2, HD 2

S.B. No. 1792, Added Representative Karamatsu as a member.
SD 1, HD 1

House Communication dated April 19, 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 made the following changes to the conferees on the following measures:

H.B. No. 1659, Added Representative Chong as a member.
HD 1, SD 1

H.B. No. 1728, Added Representative Chong as a member.
HD 1, SD 2

H.B. No. 1295,
HD 2, SD 2 Discharged Representative Evans as Co-Chair. Added Representative Chong as Co-Chair. Added Representative Evans as a member.

S.B. No. 467,
SD 2, HD 2 Added Representative Chong as a member.

S.B. No. 1778,
SD 2, HD 1 Added Representative Chong as a member.

House Communication dated April 19, 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 made the following changes to the conferees on the following measure:

H.B. No. 864,
SD 1 Added Representative Morita as a member.

House Communication dated April 20, 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 take in disagreeing to the amendments made by the Senate, on March 30, 2005 to the following bill:

H.B. 98, HD 2, SD 1

FIFTY-SECOND DAY

Thursday, April 21, 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 Mr. Joe Tassill, after which the Roll was called showing all members present with the exception of Representative Hiraki, who was 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 Forty-Third, Forty-Fourth, Forty-Fifth and Forty-Sixth Days were approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 203 through 208) were received and announced by the Clerk:

Gov. Msg. No. 203, informing the House that on April 20, 2005, the following bill was signed into law:

H.B. No. 313, entitled: "A BILL FOR AN ACT RELATING TO 911 EMERGENCY SERVICE." (ACT 017)

Gov. Msg. No. 204, informing the House that on April 20, 2005, the following bill was signed into law:

H.B. No. 496, entitled: "A BILL FOR AN ACT RELATING TO PETTY MISDEMEANORS." (ACT 018)

Gov. Msg. No. 205, informing the House that on April 20, 2005, the following bill was signed into law:

S.B. No. 1249, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 019)

Gov. Msg. No. 206, informing the House that on April 20, 2005, the following bill was signed into law:

S.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE." (ACT 020)

Gov. Msg. No. 207, informing the House that on April 20, 2005, the following bill was signed into law:

H.B. No. 8, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY SERVICE." (ACT 021)

Gov. Msg. No. 208, informing the House that on April 20, 2005, the following bill was signed into law:

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." (ACT 022)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 722 through 725) were received and announced by the Clerk:

Sen. Com. No. 722, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bill:

957, HD 1, SD 1 Chair: Taniguchi
Members: Tsutsui, Whalen

Sen. Com. No. 723, 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 Bill:

1410, SD 1, HD 1 Chair: Taniguchi
Members Tsutsui, Slom

Sen. Com. No. 724, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 875, Discharged Senator Kanno as a member.
HD 2, SD 2 Added Senator Kanno as Co-Chair.

S.B. No. 101, Added Senator Chun Oakland as a
HD 1 member.

S.B. No. 1557, Added Senator Taniguchi as a member.
SD 2, HD 2

Sen. Com. No. 725, informing the House that the Senate has, on April 20, 2005, reconsidered action taken on April 12, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 40, "RELATING TO CAREGIVER
SD 1, HD 1 CONSENT."

S.B. No. 621, "RELATING TO TRAFFIC
HD 1 INFRACTIONS."

S.B. No. 698, "RELATING TO THE HAWAII
HD 1 CRIMINAL JUSTICE DATA
CENTER."

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
20, HD1	Committee on Health
92, SD1	Committee on Energy & Environmental Protection
106, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Legislative Management

135, SD1	Committee on Energy & Environmental Protection
172, SD1	Committee on Finance
173	Committee on Finance

"By implementing similar student exchange programs between Hawaii and the sister provinces in the Republic of the Philippines and other international provinces and prefectures with which the State has state-province-prefecture relationships, would provide a more concrete and viable connection between the State and those provinces and prefectures than a mere paper relationship.

UNFINISHED BUSINESS

At 12:13 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

At this time, the Chair stated:

"Before we proceed Members, under Unfinished Business, please note that Senate Concurrent Resolution No. 20, House Draft 1, has been re-referred solely to the Committee on Health per Committee Referral Sheet No. 57 that has been placed on your desk today. The Committees on Education and International Affairs waived their referral to this measure and therefore it is appropriate for the House to consider action for adoption at this point in time."

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 on S.C.R. No. 20, HD 1. (Representative Berg was excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action taken pursuant to the recommendation contained in Standing Committee Report No. 1728, in referring S.C.R. No. 20, HD 1, jointly to the Committee on Education and the Committee on International Affairs, seconded by Representative B. Oshiro, and carried. (Representative Berg was excused.)

ADOPTION

Representative M. Oshiro moved that S.C.R. No. 20, HD 1, be adopted, 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:

"Student exchange programs involving students in Hawaii's schools provide the opportunity to learn first-hand the diverse cultures of other countries of the world. These exchanges also foster and sustain good relationships and cultural exchange between foreign countries and the State of Hawaii.

"The student exchange program between the State of Hawaii and the educational system in Japan's Okinawa Prefecture, now in its fifteenth year, has demonstrated the benefits and cost-effectiveness of these programs.

"The State of Hawaii has established sister state-province-prefecture relationships with the Azores Islands in Portugal; Jeju Island in Korea; Fukuoka Prefecture, Hiroshima Prefecture, and Okinawa Prefecture in Japan; Guangdong Province, Hainan Province, and Tianjin City in the Republic of China; Taiwan Province; and Cebu Province, Ilocos Norte Province, Ilocos Sur Province, and Pangasinan Province in the Philippines. Some of the Governors of the sister provinces and prefectures internationally and especially in the Republic of the Philippines, with which the State has state-province-prefecture relationships, have expressed a strong interest in developing student exchange programs.

"Hawaii-based ethnic and community organizations that promote sister state-province-prefecture relationships are recognized as the key participants who will determine the success or failure of such exchange programs.

"It is in that spirit that the Legislature requests the Department of Education, the Hawaii Association of Independent Schools, and the University of Hawaii, assist and support the various Hawaii ethnic communities and organizations in the planning and implementation of student, faculty, and administrative staff exchange programs to involve students, faculty, and administrative staff in the public and private schools in Hawaii and students, faculty, and administrative staff in schools in the provinces and prefectures with which the state has state-province-prefecture relationships.

"The Legislature expresses through this resolution, to the Filipino community of Hawaii, and other ethnic communities involved in sister state-province-prefecture relationships, very strong support for the planning and implementation of such exchange programs."

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 SCR 20. As we approach the centennial celebration of Filipinos immigrating to Hawaii, I can think of no better idea than to solidify a program that fosters greater exchange between Hawaii and those nations we already have a relationship with, including the Philippines. The Filipino Caucus is working hard to celebrate and commemorate this momentous event; such programs would greatly enhance those efforts with Hawaii's sister states. Now is a great opportunity to implement something of this nature. Thank you, Mr. Speaker."

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:

Mr. Speaker, I stand in strong support of SCR 20 HD 1. A similar measure was passed on Second Reading as recommended by the House Education, Higher Education, and International Committees on April 5, 2005 and referred to the Finance Committee. Unfortunately the Finance Committee never heard the Resolution.

"As Chair of the Committee on International Affairs, I have a strong interest in any actions by this Body that strengthen our role on the International scene. One effective strategy is to encourage student and faculty exchanges. There are already such programs within the University of Hawaii system, but more commitment is needed for the Department of Education. Hopefully this solution will call attention to expanding our students' knowledge about the world."

The motion was put to vote by the Chair and carried, and S.C.R. No. 20, HD 1, entitled: "SENATE 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 adopted, with Representative Berg being excused.

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1731), recommending that S.C.R. No. 132, 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.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HEALTHCARE ASSOCIATION OF HAWAII TO ESTABLISH A TASK FORCE TO DESIGN A SYSTEM FOR REPORTING HOSPITAL ACQUIRED INFECTIONS TO THE PUBLIC," was referred to the Committee on Finance.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1732), recommending that S.C.R. No. 195, SD 1, 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 S.C.R. No. 195, SD 1, HD 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," was referred to the Committee on Finance.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1733), recommending that S.C.R. No. 227, SD 1, 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 S.C.R. No. 227, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," was referred to the Committee on Finance.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1734), recommending that S.C.R. No. 79, SD 1, 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 S.C.R. No. 79, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES," was referred to the Committee on Finance.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1735) recommending that S.C.R. No. 196, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 196, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in support with some reservations. I'm wondering why we're urging the Governor and the Legislature and the Mayors of the counties when we could do that as a State measure. So it's just a matter of consideration. Thank you."

Representative Evans 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.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," was adopted, with Representative Evans voting no.

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried.

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried.

H.B. No. 98, HD 2 (SD 1)
 H.B. No. 447, HD 1 (SD 1)
 H.B. No. 515 (SD 1)
 H.B. No. 556 (SD 1)
 H.B. No. 919, HD 1 (SD 2)
 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)

H.B. No. 98, H.D. 2, S.D. 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 98, HD 2, SD 1, entitled: "A BILL FOR AN ACT FOR AN ACT RELATING TO KAHULUI HARBOR," passed Final Reading by a vote of 51 ayes.

H.B. No. 447, H.D. 1, S.D. 1

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

H.B. No. 515, S.D. 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 515, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Final Reading by a vote of 51 ayes.

H.B. No. 556, S.D. 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 556, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR WIRELESS ENHANCED 911," passed Final Reading by a vote of 51 ayes.

H.B. No. 919, H.D. 1, S.D. 2

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 919, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Final Reading by a vote of 51 ayes.

H.B. No. 1450, H.D. 2, S.D. 1

Representative M. Oshiro moved that H.B. No. 1450, HD 2, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, rising in opposition. Mr. Speaker, looking at this measure, I'm reading the new definition that's added to our statutes. It says, 'gender identity or expression includes a person's actual or perceived gender, as well as a person's gender identity, gender related self image, gender related appearance or gender related expression regardless of whether that gender identity, gender related self image, gender related appearance or gender related expression is different from that traditionally associated with the person's sex at birth.

"Well, I'm looking at that and I'm wondering what do we mean by perceived or perceived gender. Perceived by whom? By that person? By somebody else? Can this change from month to month, or day to day, or hour to hour, even minute to minute? And how do we know what that person's perceived gender is if the perception depends on that individual's mood or preference at that time? I don't know how anybody else would know. Therefore I don't know how anybody would know what this real definition means and how that would relate to law. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm going to vote no on the cross-dresser's bill. The Declaration of Independence grants that all creatures who are created by our Creator are endowed by their Creator with certain inalienable rights. And so the source of our rights, Mr. Speaker, is the fact that we have been created by God. The source of our rights is not our perceived gender, and this is what this bill does. All of employers, families, whatever it is, our whole society will now pivot upon the fulcrum of one's personal feelings. And I don't think that's a good policy. Thank you."

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

"In due respect to the former speaker, I'm speaking in support. I don't think that it says anything about creatures. I think it says, all men are created equal."

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:

"I am opposed to this measure which would create a separate class and establish yet another officially protected group that will leave employers defenseless to guard their religious, moral, and/or conscientious beliefs. Employers would be subject to litigation based on unreasonable and unknowable criteria."

Representative Finnegan rose in opposition to 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 opposition to H.B. 1450, H.D. 2, S.D. 1, Relating to Civil Rights. I believe in equal rights, not special rights. Although I firmly oppose discrimination, this legislation concerns me because it increases an employer's liability. We continually create special rights and special protected status categories for individuals. By doing so, we make it increasingly difficult for an employer to turn down someone for a job opportunity based on legitimate criteria such as skills, background, attitude, work ethic, etc. With such special categorizations, people may be far more likely to perceive discrimination based on their perceived or actual gender identity and engage an employer in a lawsuit when no actual "gender identity or expression" discrimination occurred.

"Additionally, some of my opposition to this bill revolves around the inclusion of the ambiguous terms of "gender identity or expression." These are incredibly vague and nebulous terms. Laws and legal language must be precise so that they do not invite abuse. Although I am sympathetic to the intent of this legislation, the real and actual ramifications of this law force me to not support it. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1450, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Finnegan, Kahikina, Meyer, Moses, Pine and Stonebraker voting no.

H.B. No. 1453, H.D. 1, S.D. 1

Representative M. Oshiro moved that H.B. No. 1453, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support for 1453. Mr. Speaker, for many, many years we have treated our pets as family members. And you know, many times we treat our dogs and cats and other pets as a family member and this mechanism allows us to, even after we leave, after we die, we can take care of the pets and make sure that they're safe.

"Some of the other states already do this. And I specifically want to dedicate this bill to Kainoa. Thank you."

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

"Mr. Speaker, I stand in strong support and I'd like to insert written comments in the Journal."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1453, Relating to Animals. This bill allows pet owners to establish trust funds for their pets to provide for their care.

"While this may seem like a trivial matter to some, pets play an important role in many people's emotional well being especially those whose spouses have died or who are suffering from debilitating illnesses. Illness tends to isolate an individual and the company of a pet can have a very beneficial effect on the overall health of a person both emotionally and physically.

"Because of the faithful companionship provided by domestic animals, many people wish to provide for the care of their pets after their own deaths. HB 1453 allows them to do this by means of a trust fund. Many pet owners feel that their pets have helped see them through difficult times and they do not want to see their pets abandoned after their deaths.

"For these reasons I hope my colleagues will join me in voting for this bill. Mahalo."

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 stand in strong support of HB 1453, HD 1, SD 1. As an owner of three dogs, I am concerned about who will take care of them when my husband and I are no longer here. It would be comforting for both of us to know that the arrangements that we have made for the care our dogs, Toni, Hootie, and Fonzie will be honored by the courts. Just because we may no longer be able to provide for them doesn't mean that they shouldn't be cared for and go on to live a full life.

"More than 56% of Hawaii families own one or more pets and as a recent Ward Survey shows, 96% of Oahu residents surveyed agreed that animal companionship is a very important quality of life issue. HB 1453, HD 1, SD 1, would provide Hawaii's citizens with a voluntary means of providing for the care and medical needs of their pets and companion animals in the event of the owners death.

"This bill will allow persons to set up trust accounts for the benefit of their pets. The trust will provide funds to cover all costs for food, shelter, medical care, and grooming. If a trustee

has not been named the court will have the ability to appoint one. HB 1453, HD 1, SD 1, will give pet owners a great deal of peace of mind knowing that their trusted family pets will be provided for should anything unexpected happen to them."

The motion was put to vote by the Chair and carried, and H.B. No. 1453, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Final Reading by a vote of 51 ayes.

H.B. No. 1712, H.D. 1, S.D. 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1712, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 51 ayes.

H.B. No. 1715, H.D. 1, S.D. 1

Representative M. Oshiro moved that H.B. No. 1715, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker in opposition. I'd like to have the words that I spoke on S.B. 1450 on page 39 also for this measure. And I'd like to add, this has another definition and it says, sexual orientation means having a preference for heterosexuality, homosexuality or bisexuality; having a history of any or any one or more of these preferences, or being identified with any one or more of these preferences. Sexual orientation shall not be construed to protect conduct otherwise prescribed by law.

"Again, I'm wondering here, we have the word, preference. And how does this person, how does a person, anyone other than the individual we're talking about; how does anyone else know what that person's preference is without asking. And of course, we know by other laws that we cannot ask. So, how do you know a preference? I don't know, and I don't think anybody else does. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm also in opposition of this one as well. I'd like to incorporate the words from my previous speech, brief speech, as well as the words from the previous speaker.

"Now, I know Mr. Speaker, that many Members owe their election to the homosexual lobby. Many members have been supported in a strong way by the radical homosexual lobby. But I don't think that this is a reason that we should force a policy upon the rest of the people of Hawaii.

"Now, of course, this bill allows for a narrow exception for those of religious persuasion. However, what I believe that this does is it pits faithful religious people against a group of people, the homosexual people or transgender or those with perceived gender identities other than that which they were born with. I don't think this is a good policy. I'm voting no."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. My real concern is in housing and rental properties. We have pretty much a crisis in housing, affordable housing and that goes for not only purchasing houses, but also renting. And

you know, I have no way of knowing when somebody comes to rent a property, if their gender is something other than what they look like or anything. It's just based on getting an application and filling it out. But when you put this into law like this, my concern is that this could create a lot of people being taken to court for discrimination. Because if I'm gay and I go and I don't get the place, in my mind, I may think you discriminated against me when I wasn't discriminated against; but this sets it up.

"In this very tight market, there are a lot of people that are going to be disappointed. Somebody working for me, it took her four weeks to find a place. You know, it was always like a little too late, you should have called last night, other people came. I mean, if this bill was in place and if she were gay, she may think that she was being discriminated against. So, I think this is a very dangerous bill for realtors, for landlords and that's why I can't support it. Thank you."

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

"Mr. Speaker, in support. With all due respect to the speaker from Hawaii Kai, he states that this is pitting religious people versus a radical homosexual lobby. In my experience, religion is about tolerance and it's about kindness to people, and I think that that's really the tenor of some of these bills. So, I think it's a problem when we take a bill and we frame single groups, single them out and vilify them. Thank you, Mr. Speaker."

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

"Mr. Speaker, in strong support. I also take exception to the comments about a radical homosexual lobby. Speaking for myself and supporting this bill, I have not been lobbied by anyone. But I'm voting for it for the plain and simple reason that this about civil rights, plain and simple. That's what we're talking about here. Not discriminating against someone based on someone's sexual orientation, in the same way we don't discriminate against someone based on religion or gender.

"And how do we know, Mr. Speaker, when someone's applying to rent your property, whether they're a Catholic, a Protestant, and a Jewish person. You may turn them down and they may in fact, may sue. But you know, the beauty of this, Mr. Speaker, it protects all of us from being discriminated against -- all of us.

"In the end, Mr. Speaker, there's a beautiful quote that Jimmy Carter stated, and I think it's appropriate here. 'America did not invent human rights. In a very real sense, human rights invented America.' And I think that's so true and we should remember that when we get up and speak on this issue because it is about civil rights and human rights. Thank you very much, Mr. Speaker."

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

"I stand in support and I would like written comments to be placed in the Journal. The written comments would actually express my concerns about the exemption clause present in the bill. But I will be supporting the bill."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I stand in support of the measure, but would like to comment on my concerns about the religious exemption present in the measure. When we are talking about the rights of various groups to be treated fairly, it seems wrong to me to allow an exemption solely on the basis of a religious objection.

"I spoke about this issue in the past in regard to my feelings about exemptions during the debate on emergency contraception in the emergency room for victims of rape. Soon, will we have pharmacists who wish to have an exemption related to emergency contraception being dispensed in pharmacies? That there is a strong possibility that the exemption in this bill will lead to others is a certainty -- the proverbial slippery slope. Nevertheless, I will support the bill.

"Thank you for the opportunity to comment."

Representative Finnegan rose in opposition to 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 opposition to H.B. 1715, H.D. 1 Relating to Civil Rights. It troubles me that a bill relating to housing has not passed through the Housing Committee for a hearing.

"Furthermore, although this bill is well-intentioned, it restricts the rights of individual landlords and their ability to manage their property as they see fit. Government derives its power and authority from individual citizens and consequently should not constrain the rights of those individuals. I personally would not have any hesitations renting to someone who lived an alternative type of lifestyle, however, we should take great care before mandating all of our citizens who may not feel the same way.

"I understand that there are narrow exceptions for religiously affiliated institutions of higher learning, however, this exemption does not protect other entities, who like a religious institution do not support a certain lifestyle. Although I fully support preserving the civil rights of everyone in our society, I cannot support a measure that infringes on the individual rights of many in the name of special civil rights for a few. Additionally, laws and legal language must be precise so that they do not invite abuse. Although I am sympathetic to the intent of this legislation, the real and actual ramifications of this law force me to not support it. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in opposition. Thank you, Mr. Speaker. First of all, Mr. Speaker, I want to congratulate the proponents of this measure. It really divides a seasoned legislator from someone, I guess, who is a novice.

"Mr. Speaker, my opposition stems from the process that we use. As you know, Mr. Speaker, the bill is relating to housing, discrimination in housing. And this measure never came to Housing Committee. I brought that to your attention with the good faith that perhaps this would go into Conference. I waived my Committee's authority over it and it went over to the Senate, and it came over in a measure that is being agreed upon. So I congratulate the proponents.

"I wish I had the time to really dissect this, if we really have discrimination in housing that is based on gender identity. I surely would be the first to try to protect that. But, you know, Mr. Speaker, as your Chair of Housing, I haven't seen anything or are aware of any discrimination against homosexuals. In fact, Mr. Speaker, when you go down to the beach and you, in fact, go and visit IHS, most of them are our elders, our children, our single mothers. I'm hoping that we could've raised that as the high priority of this House. But I guess, this is now a moral

question, one that each of you have to make. And I'm making my decision.

"I just want to say that the God that I serve loves everybody here. He loves even the homosexuals. He just hates the sin, the disobedience. So, God bless you."

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

"Mr. Speaker, I rise in support of this bill. But it's too bad, in my opinion that we had to compromise it by discriminating against religion. I think that shouldn't be in the bill. Thank you."

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

Representative Ching's written remarks are as follows:

"I am opposed to this measure which would create a separate class and establish yet another officially protected group that will leave homeowners defenseless to guard their religious, moral, and/or conscientious beliefs. Landlords would be subject to litigation based on unreasonable and unknowable criteria."

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

"Thank you, Mr. Speaker, in support. Just very briefly, I just wanted to explain the purpose of this bill. I think people need to realize that really what this comes down to is a lot of the protections that are guaranteed by the 14th Amendment, which says, that 'no state shall make or enforce any law, which shall deny to any person within its jurisdiction, the equal protection of the laws'. And because of the 14th Amendment, what we did was created the Civil Rights Commission.

"And basically, when you look at the purpose of the Civil Rights Commission in 386-1, and this is the current language of the Civil Rights Commission's mission. It says, 'The legislature finds and declares that the practice of discrimination because of race, color, religion, age, sex, sexual orientation, marital status, national origin, ancestry or disability employment, housing, public accommodations or access to services receiving State financial assistance is against public policy. It is the purpose of this Chapter to provide a mechanism, which provides for uniform procedure for the enforcement of the State's discrimination laws. And it is the legislature's intent to provide all existing rights and remedies under such laws.'

"What this bill is doing, after several years of trying to make it through is finally making sure that we live up to the mission of the Civil Rights Commission, whatever categories we state in here, whether its race, religion, age, sex or sexual orientation. But when it comes to certain rights, be it employment, be it public housing, be it public accommodations, that they will receive equal treatment. Thank you very much."

The motion was put to vote by the Chair and carried, and H.B. No. 1715, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Finnegan, Kahikina, Meyer, Moses, Pine and Stonebraker voting no.

At 12:48 o'clock p.m., the Chair noted that H.B. Nos.: 98, HD 2, SD 1; 447, HD 1, SD 1; 515, SD 1; 556, SD 1; 919, HD 1, SD 2; 1450, HD 2, SD 1; 1453, HD 1, SD 1; 1712, HD 1, SD 1; and 1715, HD 1, SD 1, passed Final Reading:

ANNOUNCEMENTS

Representative Thielen: Thank you, Mr. Speaker. This is a final reminder to wear your natural fiber shirts tomorrow in honor of Earth Day. Thank you."

Representative Evans, for the Committee on Energy and Environmental Protection, requested a waiver of the 48-hour advance notice requirement to hear the following measures tomorrow morning at 8:30 a.m., in Room 312, and the Chair "so ordered."

SCR 135, SD 1, Requesting Department of Health to Share its Findings and Status of its Activities Regarding the Creation of a Comprehensive Vog Emissions Monitoring System for the Island of Hawaii; and

SCR 92, (Proposed Draft) Requesting the President of the United States and the United States Congress to Restore Funding for Programs and Measures that are Intended to Contain and Eradicate Invasive Alien Species in Hawaii and Prevent the Introduction of New Invasive Alien Species in Hawaii.

Representative Magaoay, for the Committee on Legislative Management requested a waiver of the 48-hour advance notice requirement to hear SCR No. 106, SD 2, tomorrow at 9:30 a.m., and the Chair "so ordered."

Representative Takamine, for the Committee on Finance, requested a waiver of the 48-hour advance notice requirement to hear the following measures tomorrow morning at 11:00 a.m. in Room 308, with decision making to follow, and the Chair "so ordered."

SCR 100, Expressing Support for the Federal Community Development Block Program.

SCR 183, SD 1, Requesting the Establishment of a Taskforce on Economic Development, Workforce Development and the Role of the University of Hawaii in the Economic Future of the State.

SCR 132, proposed HD 1, Requesting the Office of the Auditor to Conduct a Management Program and Financial Audit of the Department of Hawaiian Homelands.

SCR 7, HD 1, Requesting the Development of a Statewide Strategic Plan to Promote Obesity Prevention and Healthy Lifestyles.

SCR 48, Requesting the Oahu Metropolitan Planning Organization to Study the Feasibility of an Alternate Route Ingress and Egress from Mililani Mauka.

SCR 79, SD 1, HD 1, Requesting the Convening of a Taskforce to Facilitate the Establishment of Viable Naturally Occurring Retirement Communities.

SCR 96, Requesting the Counties to Develop a Strategic Plan for Furnishing Senior Transportation Options in their County.

SCR 195, SD 1, HD 1, 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.

SCR 227, SD 1, HD 1, Creating a Planning Taskforce for the Healthy Start Program.

Representative Stonebraker: "Mr. Speaker, I wanted to thank you and the House for sending my wife flowers. On Tuesday, we had our fourth daughter at 12:01 a.m. on Tuesday, the 19th.

"It was four years ago that about 9:30 p.m., we left to the hospital on the 18th and we had our second daughter at 12:07 a.m. in the morning. Here, we went to the hospital at 10:30 p.m. and at 12:01 a.m. we had our fourth daughter. So, we've consolidated two birthdays into one for family planning purposes so that we only have to celebrate three.

"But I just wanted to say, I appreciate it. We have a beautiful healthy daughter. She was 7 lbs. 6 oz. My wife was in serious labor for about 30 seconds, and she did an incredible job. God's blessed me with a fantastic wife and a beautiful family and I thank you."

Speaker Say: "Congratulations."

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 22, 2005. (Representative Chang was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 20, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 109, KanoHo/Abinsay/Herkes/Takamine,
HD 1, SD 2 Co-Chairs;
Yamashita, Meyer

H.B. No. 325, Caldwell/Takamine, Co-Chairs;
SD 2 Nakasone, Pine

H.B. No. 332, Arakaki/Hiraki, Co-Chairs;
HD 1, SD 2 Green, Finnegan

H.B. No. 1331, Morita/Takamine, Co-Chairs;
HD 1, SD 2 Evans, Meyer

House Communication dated April 20, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 118, Arakaki/Hiraki, Co-Chairs;
SD 2, HD 2 Green, Herkes, Schatz, Finnegan

S.B. No. 179, Kahikina/Nakasone, Co-Chairs;
SD 3, HD 2 Nishimoto, Meyer

S.B. No. 1897, KanoHo/Karamatsu, Co-Chairs;
SD 2, HD 2 Carroll, Magaoay, Schatz, Wakai, Pine

House Communication dated April 20, 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 made the following changes to the conferees on the following measure:

H.B. No. 1749, Discharged Representative Chong as a
HD 2, SD 2 member.
Added Representative Chong as Co-Chair

House Communication dated April 20, 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 made the following changes to the conferees on the following measure:

H.B. No. 1308, Added Representatives Magaoay and
HD 1, SD 2 Wakai as members.

House Communication dated April 20, 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 made the following changes to the conferees on the following measure:

S.B. No. 1592, Added Representative Berg as a member.
SD 1, HD 2

FIFTY-THIRD DAY

Friday, April 22, 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 Ezra R. Kanoho, after which the Roll was called showing all members present with the exception of Representatives Hale, Meyer and Takamine, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 209) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 209, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for federal fiscal year ending September 30, 2004.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 726 through 738) were received and announced by the Clerk:

Sen. Com. No. 726, transmitting H.C.R. No. 166, H.D. 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," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 727, transmitting H.C.R. No. 195, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 728, transmitting H.C.R. No. 4, H.D. 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," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 729, transmitting H.C.R. No. 208, H.D. 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," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 730, transmitting H.C.R. No. 245, H.D. 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," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 731, transmitting 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," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 732, transmitting H.C.R. No. 246, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A USS ARIZONA MEMORIAL STAMP," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 733, transmitting H.C.R. No. 249, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT LEGISLATION CONFERRING VETERANS' BENEFITS ON FILIPINO WORLD WAR II VETERANS," which was adopted by the Senate on April 21, 2005.

Sen. Com. No. 734, informing the House that the Senate has, on April 21, 2005, reconsidered action taken on April 7, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 768, SD 1, HD 1	"RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS."
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Sen. Com. No. 735, informing the House that the Senate has, on April 21, 2005, reconsidered action taken on April 14, 2005, in disagreeing to the amendments proposed by the House to the following bills, and has moved to agree to the amendments, and that said bills has this day passed Final Reading:

S.B. No. 680, SD 1, HD 1	"RELATING TO SOLID WASTE CONTROL."
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S.B. No. 1170, SD 2, HD 1	"RELATING TO ELECTRONIC COMMERCE."
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Sen. Com. No. 736, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 320, HD 1, SD 1	Chair: Hanabusa Members: English, Hee, Whalen
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H.B. No. 806, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
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H.B. No. 1465, SD 1	Chair: Baker Co-Chair: Taniguchi Member: Inouye
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Sen. Com. No. 737, 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. 118, Chair: Baker
SD 2, HD 2 Co-Chair: Menor
Members: Chun Oakland, Ige, Whalen

S.B. No. 667, Chair: Hee
SD 2, HD 2 Members: Taniguchi, Slom

S.B. No. 1257, Chair: Hee
SD 2, HD 2 Co-Chair: Hanabusa
Members: Baker, Hooser, Sakamoto,
Whalen

S.B. No. 1747, Chair: Hee
SD 2, HD 1 Co-Chair: Taniguchi
Member: Trimble

Sen. Com. No. 738, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1747, Added Senator Taniguchi as a Co-Chair.
HD 1, SD 1

S.B. No. 440, Added Senator Taniguchi as a member.
SD 1, HD 1

S.B. No. 751, Added Senator Kanno as a Co-Chair.
SD 2, HD 2

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.
Nos.

Re-referred to:

40, Committee on Tourism & Culture
SD1

42, Jointly to the Committee on Tourism & Culture and
SD1 the Committee on Water, Land, & Ocean Resources

147, Committee on Water, Land, & Ocean Resources
SD1

207 Committee on Water, Land, & Ocean Resources

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1736), recommending that S.C.R. No. 106, SD 2, 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 S.C.R. No. 106, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE HAWAII PUBLIC PROCUREMENT CODE," was referred to the Committee on Legislative

Management with Representatives Hale and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1737), recommending that S.C.R. No. 51, 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.C.R. No. 51, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW AND ANALYSIS OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS," was referred to the Committee on Finance with Representatives Hale and Takamine being excused.

Representative Herkes, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1738), recommending that S.C.R. No. 17, 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.C.R. No. 17, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO CONSIDER THE ESTABLISHMENT OF A UNIFORM STATEWIDE BUILDING CODE," was referred to the Committee on Finance with Representatives Hale and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1739), recommending that S.C.R. No. 54, 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.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," was referred to the Committee on Judiciary with Representatives Hale and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1740), recommending that S.C.R. No. 29, 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.C.R. No. 29, SD 1, entitled: "SENATE 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," was referred to the Committee on Finance with Representatives Hale and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1741), recommending that S.C.R. No. 93, 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.C.R. No. 93, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT

PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS STABILIZATION SERVICES," was referred to the Committee on Finance with Representatives Hale and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1742), recommending that S.C.R. No. 109, 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.C.R. No. 109, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE EDUCATIONAL MATERIALS AVAILABLE, IN WRITTEN AND ELECTRONIC FORM, ON THE PREVENTION, DIAGNOSIS, AND TREATMENT OF HEPATITIS C TO PHYSICIANS, OTHER HEALTH CARE PROVIDERS, VETERANS, AND OTHER PERSONS AT HIGH RISK FOR HEPATITIS C," was referred to the Committee on Finance with Representatives Hale and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1743) recommending that H.R. No. 72, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 72, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd just like to explain how this all came about. Last weekend the emergency medical helicopter for Maui County was at its fullest capacity. And in working in coordination with Hawaii Air Ambulance and with the Air National Guard, they were successful at transporting many patients and saving lives.

"So I received a call from several people to just congratulate the Legislature, those who took in the effort who supported this emergency medical helicopter for a success because of the lives that it has saved.

"But I would like to express that in my district, Hana, Molokai and Lanai have had the most patients with the emergency medical helicopter. I'd like to also say Representative Dennis Arakaki was named in this reso. And because of his humbleness, he took his name out because I had to go to him because it's a Health Committee reso. So, I'd just like to recognize all of the Body here for supporting that effort, and on behalf of the County of Maui as well, for making this program happen. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 72, HD 1, entitled: "HOUSE RESOLUTION CONGRATULATING MAUI'S COLLECTIVE EFFORTS FOR THE ESTABLISHMENT OF A NEW UPGRADED AND INTEGRATED AIR AND GROUND EMERGENCY MEDICAL SERVICES SYSTEM FOR MAUI CITIZENS," was adopted, with Representatives Hale, Kanoho and Takamine being excused.

LATE INTRODUCTIONS

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

Representative Tsuji introduced his legislative staff, former University of Hawaii men's volleyball player, Mr. Tony Ching. He was accompanied by office manager, Ms. Jasmine Branco.

Representative Finnegan introduced students of Halau Kumanna Charter School.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to wish all my colleagues Happy Earth Day. And, as I look around the room and see all of the wonderful natural fiber shirts, especially yours, Mr. Speaker, which is very good looking. I want to say thanks to everyone for getting in the spirit of this. Thank you "

Representative Magaoay, for the Committee on Legislative Management, requested a waiver of the 48-hour advance notice requirement to hear SCR 106, Convening a Joint Legislative Task Force to Review and Make Recommendations Concerning the Hawaii Public Procurement Code, today, at 1:00 in Room 423, and the Chair "so ordered."

Representative Magaoay: "Also, Mr. Speaker, we had scheduled this morning SCR 95, Urging the Kokua Council to Convene the 2005 Model Legislature, at 9:30 a.m. We had another resolution that was scheduled before that which took about 2 hours, so we have rescheduled it to 1:00 p.m. Thank you."

Representative Berg: "Thank you, Mr. Speaker. I would like to, before making the last announcement for today, thank Representative Thielen for her generosity and for her awareness of having us become aware of Earth Day. I don't know how many people know, but since the first proclamation of Earth Day on March 21, 1970, in San Francisco, other cities in the nation have established their own Earth Day. And one of the challenges that we have is that even though today it's Earth Day today in Hawaii, we need to ask ourselves what does this mean.

"We wear our hemp shirts. We will look out of our environment. We will go home hug a tree, or maybe walk on the beach. But then tomorrow we'll go back and our lives will resume as usual.

"That having being said, I'd like to announce the last event of the 2005 Foodbank Drive, which is the ice cream float event in Representative Marcus Oshiro's office after today's session.

"And I would also like to thank all of our colleagues for the generosity, the creativity, with regards to the Foodbank. Thank you. And now that 6 weeks of this is over, and I can reclaim my office now for the purpose for which it was intended. Thank you very much."

At 12:18 o'clock p.m., Representative Schatz requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:19 o'clock p.m.

Representative Kanoho for the Committee on Water, Land & Ocean Resources, requested a waiver of the 48-hour advance notice requirement to for the purpose of reconsidering action previously taken on SCR 134, involving the relocation of Honolulu Marine from Kewalo Basin to Keehi, and the Chair "so ordered."

Representative Kanoho: "Mr. Speaker, your Committee on Water, Land & Ocean Resources will convene at 1:30 p.m. this afternoon in Room 312 to reconsider action taken yesterday on SCR 134 and for decision making on HD 1, for the purpose of correcting an inadvertent omission in the SD 1. Thank you, Mr. Speaker."

Representative Thielen: "Thank you, Mr. Speaker. Could the women legislators meet up at the podium right after session for just a brief minute? Thank you."

ADJOURNMENT

At 12:21 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, Monday, April 25, 2005. (Representative Hale was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 21, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 1666, Takamine/Caldwell/Ito/Arakaki,
HD 1, SD 1 Co-Chrs;
Nakasone

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 98, HD 2, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 447, HD 1, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 515, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 556, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 919, HD 1, SD 2

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1450, HD 2, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1453, HD 1, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1712, HD 1, SD 1

House Communication dated April 21, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1715, HD 1, SD 1

House Communication dated April 22, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 1888, Caldwell/Takamine, Co-Chrs
SD 1, HD 1

S.B. No. 1889, Caldwell/Takamine, Co-Chrs;
SD 1, HD 2 Halford

FIFTY-FOURTH DAY

Monday, April 25, 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 Vice Speaker Takai presiding.

The invocation was delivered by Mr. Edmond Suka, Committee Clerk of Representative Maile Shimabukuro, after which the Roll was called showing all members present with the exception of Representatives Say and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 210 through 212) were received and announced by the Clerk:

Gov. Msg. No. 210, informing the House that on April 22, 2005, the following bill was signed into law:

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." (ACT 023)

Gov. Msg. No. 211, informing the House that on April 22, 2005, the following bill was signed into law:

H.B. No. 624, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES." (ACT 024)

Gov. Msg. No. 212, informing the House that on April 22, 2005, the following bill was signed into law:

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." (ACT 025)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 739 through 742) were received and announced by the Clerk:

Sen. Com. No. 739, transmitting H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," which was adopted by the Senate on April 22, 2005.

Sen. Com. No. 740, transmitting H.C.R. No. 273, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM FOR VOLUNTEERS IN EACH SCHOOL DISTRICT AND ACROSS THE STATE," which was adopted by the Senate on April 22, 2005.

Sen. Com. No. 741, transmitting H.B. No. 555, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," which passed Third Reading in the Senate on April 22, 2005.

Sen. Com. No. 742, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 1462, Chair: Taniguchi
SD 1 Members: Baker, English, Hanabusa, Trimble

INTRODUCTION

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

Representative M. Oshiro introduced Mr. Matt Dvonch of the House Committee on Finance staff, and his friend, Ms. Donna Quon of Manhattan, New York.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1744) recommending that S.C.R. No. 174, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 174, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO WORK WITH THE LYON ARBORETUM COMMUNITY STEERING COMMITTEE AND TO SUBMIT A REPORT REGARDING ITS EFFORTS TO IMPROVE CONDITIONS AT THE LYON ARBORETUM," was adopted, with Representatives Say and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1745) recommending that S.C.R. No. 68, SD 1, 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 S.C.R. No. 68, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF AND ADDRESS VARIOUS MATTERS RELATING TO THE ADEQUACY OF THE MAINTENANCE, OPERATION, AND MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," was adopted, with Representatives Say and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1746) recommending that S.C.R. No. 44, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES

CONGRESS, AND CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PRESERVE THE AMOUNT OF MEDICAID COVERAGES AND AMOUNT OF BENEFITS," was adopted, with Representatives Say and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1747) recommending that S.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 S.C.R. No. 66, entitled: "SENATE 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 adopted, with Representatives Say and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1748) recommending that S.C.R. No. 191, 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 S.C.R. No. 191, HD 1, entitled: "SENATE 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 Representatives Say and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1749) recommending that S.C.R. No. 135, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 135, SD 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," was adopted, with Representatives Say and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1750) recommending that S.C.R. No. 92, SD 1, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 92, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support of SCR 1750. Earlier this month, the State's application for some \$9 million in federal money to fight the invasive coqui frogs, mainly on the Big Island of Hawaii, was rejected. They also thrive on Maui, to a lesser degree in Wahiawa, and on one location on Kauai. The State funding alone cannot successfully win this war against these little unwanted hitchhikers from Puerto Rico.

"In 2004, Mayor Harry Kim had declared a state of emergency regarding the coqui invasion. He testified that the County of Hawaii needed \$2 million for this war against this invasion. The coqui invasion needs to be controlled and eradicated because they are a threat to our native birds and ecosystem as they feed on the same insects. The male produces a shrieking nocturnal mating call that disrupts the quality of life of residents living in the area.

"Because this coqui is so unwanted it affects real estate values as buyers stay away from such areas. It affects the economy of our nursery business because coqui find potted plants a haven to lay their eggs. The coqui population is growing in unprecedented numbers. It is believed that a natural predator is the brown tree snake; another unwanted invasive species. We must have the participation of federal funding to contain this invasion of mass destruction.

"To summarize this support, Mr. Speaker, I'd like to read you in part this morning's *Honolulu Advertiser* editorial with a headline, 'Hawaii Needs Funding to Combat Coqui Frogs.' Quote:

It is difficult to understand how the USDA could not approve a \$9 million grant to fight and eradicate the noisy and pesky Coqui frog on the Big Island. Hawaii is engaged in a crucial environmental fight to rid the islands rather of costly damaging alien species and to save our most and many endangered species. That battle takes resources and Hawaii simply cannot fight it alone.

"Thank you, Mr. Speaker."

Representative Yamane rose in support of the measure and asked that the remarks of Representative Tsuji 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 S.C.R. No. 92, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO RESTORE FUNDING FOR PROGRAMS AND MEASURES THAT ARE INTENDED TO CONTAIN AND ERADICATE INVASIVE ALIEN SPECIES IN HAWAII AND PREVENT THE INTRODUCTION OF NEW INVASIVE ALIEN SPECIES INTO HAWAII," was adopted, with Representatives Say and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1751) recommending that S.C.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 S.C.R. No. 140, HD 1, entitled: "SENATE 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 adopted, with Representatives Say 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. 1752) recommending that S.C.R. No. 63, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF MAY AS MENTAL HEALTH AWARENESS MONTH," was adopted, with Representatives Say and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1753) recommending that S.C.R. No. 200, SD 1, 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 S.C.R. No. 200, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY AND RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII," was adopted, with Representatives Say and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1754) recommending that S.C.R. No. 141, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 141, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO DETERMINE WHETHER CLASSIFICATION OF THE OFFENSES OF ASSAULT AND TERRORISTIC THREATENING BASED ON THE OCCUPATION OF THE VICTIM IS STILL NECESSARY," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1755) recommending that S.C.R. No. 7, 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 S.C.R. No. 7, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STATEWIDE STRATEGIC PLAN TO PROMOTE OBESITY PREVENTION AND HEALTHY LIFESTYLES," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1756) recommending that S.C.R. No. 48, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1757) recommending that S.C.R. No. 79, SD 1, 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 S.C.R. No. 79, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1758) recommending that S.C.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 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," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1759) recommending that S.C.R. No. 100, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1760) recommending that S.C.R. No. 183, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 183, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ECONOMIC DEVELOPMENT, WORKFORCE DEVELOPMENT, AND THE ROLE OF THE UNIVERSITY OF HAWAII IN THE ECONOMIC FUTURE OF THE STATE," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1761) recommending that S.C.R. No. 195, SD 1, 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 S.C.R. No. 195, SD 1, HD 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," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1762) recommending that S.C.R. No. 227, SD 1, 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 S.C.R. No. 227, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," was adopted, with Representatives Say and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1763) recommending that S.C.R. No. 132, 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 S.C.R. No. 132, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL PROGRAM AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted, with Representatives Say and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1764) recommending that S.C.R. No. 143, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 143, entitled: "SENATE 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 Say and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1765) recommending that S.C.R. No. 177, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 177, SD 1, entitled: "SENATE 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 adopted, with Representatives Say and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1766) recommending that S.C.R. No. 137, 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 S.C.R. No. 137, HD 1, entitled: "SENATE 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 adopted, with Representatives Say and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1767) recommending that S.C.R. No. 207, 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 S.C.R. No. 207, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

THE DEPARTMENT OF AGRICULTURE RESOURCE MANAGEMENT DIVISION TO WORK WITH THE MOLOKAI IRRIGATION SYSTEM WATER USERS ADVISORY BOARD AND THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY THE SPECIFIC CONCERNS AND NEEDS OF HOMESTEAD USERS ON MOLOKAI," was adopted, with Representatives Say and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1768) recommending that S.C.R. No. 147, SD 1, 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 S.C.R. No. 147, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Say and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1769) recommending that S.C.R. No. 134, SD 1, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 134, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition to Stand. Com. Report No. 1769, Standing Concurrent Resolution No. 134, SD 1, HD 1. Thank you. This resolution authorizes 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.

"I believe this resolution is premature. We are placing the cart before the horse. In order to lease submerged lands to the private sector for commercial purposes, the proponent must seek a lease from the Department of Land and Natural Resources. No lease has been processed or submitted to the Board of Land and Natural Resources for consideration.

"Additionally, the proponent must get approval from the Governor and the proponent must get approval from the Legislature through a concurrent resolution. The usual sequence of events in matters such as this has been: one, an application for lease. Two, department staff processing this request. Three, recommendation is made to the Board of Land and Natural Resources for approval. Four, the Board accepts or rejects the recommendation. And then, five, the Legislature acts. In this instance the usual sequence of events has been ignored.

"The representative for Honolulu Marine, Inc. testified that Honolulu Marine, Inc. will seek approval for a lease by the Board of Land and Natural Resource. He argued that their business is so dependent on meeting delivery dates that they want assurance that they will get a lease. But Peter Young, Chairperson of the Board of Land and Natural Resources assured us in Committee hearings that the Board may or may not approve the lease. Chair Young stated, that he does not know the outcome because the requirements of the lease and applicable laws have not been considered.

"No one knows if permits will be issued from appropriate federal and State agencies to construct a 110 foot pier to accommodate a floating dry dock in the navigation channel.

"I believe that if this Body passes this resolution, it will be perceived as a mandate from the Legislature, in fact, an order from above. This resolution could possibly create a situation where a citizen could assert the process was not followed. But, more importantly, I believe this Legislature needs to assure the citizens of our State that we believe in good land use planning.

"The proposed commercial shipyard primarily manufactures and repairs tugboats and works on government vessels and commercial shipping boats. This industrial use is inconsistent with the current plans for Keehi Lagoon. In our Committee hearing, Honolulu Marine, Inc. indicated that they were not a competitor with the ship repair facility at the small boat harbor because they do not work on recreational boats.

"There are two types of lands to this project that are affected by our laws: submerged lands and public lands. In accordance with the leasing of public lands for an industrial use in this shipyard is an industrial use, the Department can lease pursuant to a development plan, which provides for careful placement of complimentary enterprises consistent with county zoning requirements. The Department of Land and Natural Resources has said there is no development plan. I offer some facts to consider before casting a vote on this issue.

"First, the Department of Transportation has a 2020 Honolulu Harbor Master Plan, indicating that shipyards will be moved to Kaleo Harbor at Barber's Point. Second, Keehi Lagoon is designated as a recreational area with marine related activities. Third, Keli Channel connects Honolulu Harbor basin to Keehi Lagoon. There's an expectation that a bridge or tunnel will be built and the channel will be deepened to 45 feet. Why a bridge or tunnel? Sand Island is a *cul-de-sac* and the length of the cruise ship vessels and container ships are such that they cannot turn around and only one ship can enter or exit the harbor in the main channel at a time.

"The anticipated increase in boat traffic will create congestion and potential safety hazards in the main channel and turning basins. The Department of Transportation did not testify at our hearings. But I did hear from the Department and learned they are concerned about the increasing demands on all of our harbors. They may not be able to accommodate shipyards at Barbers Point. When you ask how will they care for all of the shipyards, they do not have an answer.

"In a recent public informational hearing on Honolulu Harbor there were expressed concerns about the piecemeal approach to making decisions affecting Honolulu Harbor. In this context, we should strongly support any resolution that requires DOT to update their 2020 Master Plan.

"We are at an important time in the history of our harbors."

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

Representative Evans continued, stating:

"Thank you. I understand that approximately 80% of our goods are imported into Hawaii by ship. With the growth of our communities, traffic into our harbors will increase and our marine highways and coastal highways will be greatly impacted by the movement of cargo. It's time to consider today's decisions on how these decisions will affect the effectiveness and efficiency of our harbors.

"Last, I want to ask why Honolulu Marine, Inc. is being required to move? The Hawaii Community Development Authority manages State lands in the Kaka'ako development district and they recently put out a Request for Proposal to develop the Kaka'ako Waterfront area to include Kewalo Basin. Currently, Kewalo Basin is leased to commercial fishing vessels. Honolulu Marine, Inc. is the last of many related businesses of an industrial nature to be moved from the waterfront at Kewalo Basin.

"If you look at the laws and administrative rules on displacement of businesses by Hawaii Community Development Authority, there is a relocation program for businesses when displaced by private action or public improvements. Since the Request for Proposal is still pending and there is no application for a development permit at this time, Honolulu Marine, Inc., is not being replaced in the near or not so near future.

"If we continue to seek instant solutions rather than asking our departments to plan well and work hard to achieving the vision, we will continue to create problems in our infrastructure. Consider the many bills that were introduced this year, dealing with affordable housing, transportation, impact fees for schools, delivery of healthcare, important agricultural lands, conservation lands, tourism industry, technology industry; I could go on and on. I'd argue that all of these are related to land use planning, i.e. smart growth.

"For those of you who have not seen Keehi Lagoon, it is a gem in the rough. It would behoove us to find a way to support our colleague, the Representative from the 29th district, to improve the small boat harbor and Keehi Lagoon, a precious public asset.

"Mr. Speaker, in closing, I oppose this bill because I believe the State can accommodate the move of Honolulu Marine, Inc. and do it smartly. We, the Legislature, are the policymakers and in this instance we should send the message to the Department of Transportation, Department of Land and Natural Resources, and Hawaii Community Development Authority to plan and execute. This resolution is premature. Thank you, Mr. Speaker."

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

"I've been convinced by my colleague from the west side of the Island and I want to vote no."

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

"Thank you, Mr. Speaker. I'd like to ask that the words of the Representative from the Big Island, from Kohala/Waimea be entered as my own. And in addition, I am speaking in opposition because there are many unanswered questions about this. And my grave concern about this particular measure before us is that we met once in Committee and I voted no, as well as some of my other colleagues. And we were asked to come back and meet again because there was an error in the resolution regarding the footage of the property that we were talking about, originally. And it's still here.

"My concern at the moment is that there has been no mention in the Committee report of the change in footage, number one. There has been no amendment made to the resolution, number two. And number three, I'm not sure procedurally, how that all really works because in the first Committee hearing that we had, I would have expected to see something that indicated that I was there. In the second hearing, I was unable to attend because I was in a Conference meeting at the time.

"There are too many unanswered questions. And in particular, one of the most disturbing pieces besides the fact that the change in footage was not indicated on the Committee report or in an amendment, is the fact the DOT is going to lose, evidently, the \$200,000 a year in lease rent that Honolulu Marine now pays. There is no lease amount for Honolulu Marine at Keehi Lagoon that has been determined. So as of the moment, they don't even know what they're going to pay in terms of lease.

"The value of the land at Keehi Lagoon is unknown; both the fast land, as well as the submerged land. If we're talking about ceded lands it gets even more complicated. And in light of all these issues concerning this particular situation, as well as the understaffing and the problems with the Boating Department at DLNR, as well as the pending, hopefully pending audit of DLNR, I think this is not only premature, but this is really not in our best responsibility to make this kind of decision.

"My concern has to do not with only process, but also with content. And the fact, again, as someone stepping new into this situation, I would like to believe that we are making decisions that are coherent not only with planning, but also in the bigger picture of how the different departments do things.

"When one department receives the ability to lease from another department, it's just too confusing and too many questions. And I would actually request to have some clarification on why there is no amendment to the concurrent resolution, given the fact that we were asked to meet in a hearing to change the square footage; and there's no indication of that, so I rise in opposition. Thank you."

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

"Thank you, Mr. Speaker, in strong support. Thank you, Mr. Speaker. We could take this point-by-point and refute each one of the issues raised. But let me say that as Chair of the Water, Land, & Ocean Resources Committee, we would not take this action unless it was absolutely necessary to do so.

"For Honolulu Marine to remain at its present location would be totally inappropriate and would not be in keeping with the nature of those who will be at that area.

"With respect to the amendment to the resolution, if those who are interested may look on page four. What happened is that there was reference to the submerged area as being 20,800 square feet and the fast lands of approximately 50,000. In the 'be it further resolved', there was an omission by not adding that both footage up but there was reference to it so that was not really a change. It was an inadvertent omission. But that footage is indeed recorded because it is stated, fast lands of 50,000 and submerged lands of 20,800. In the original, it just made reference to 50,000 feet of fast lands.

"Rather than belaboring this point Mr. Speaker, we should talk about some of the problems that have been addressed. And one is that Kalaeloa was to be the site at which all of the ship-building facilities would be relocated, and that's not true. There is one there right now -- Marisco. If the Department of Transportation had its way, it would not even have that facility at that location because as we know, Kalaeloa, is a very small facility and to have it cluttered with ship building facilities would not serve the purpose for Kalaeloa.

"Additionally there are these ship-building facilities at Ala Wai to accommodate the boaters there. There is Keehi Marine Center already at Keehi so that this type of operation remains there. And so this would not be a problem.

"Now, granted that at some future date, 20 or 50 years from now, it's possible that there could be an overhead bridge or tunnel. It is very, very unlikely because the cost of such a tunnel or an overhead bridge would be astronomical. As important as Sand Island is for the handling of cargo, there just isn't enough activity to justify the extent of the expenditure of a bridge or a tunnel. So it is very unlikely. And at best, it would not occur for another 25 to 30 years, if ever."

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

Representative Kanoho continued, stating:

"Thank you very much. And so, rather than belaboring this and going over point by point, I just want to assure the Members that this is a very necessary step that appropriate payment would be done at the time that this is consummated through an appraisal which would consider current values. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this resolution. As much as I have only the highest regard for the Chairman of Water, Land and I rarely disagree with him, but on this particular matter, I do.

"I think the Representative from Waimea made a good point that this bill is putting the cart before the horse. I think that there is time to do it by the normal methods, by going to the Land Board first. And when the Legislature passes a resolution such as this and states that 'be it further resolved that certified copies of this concurrent resolution be transmitted to the Governor, the Chairperson of the Board of Land and Natural Resources and the Chief Executive Officer of Honolulu Marine, Inc.', this is a big enough indication that not only do we agree but we're telling them that this is the entity you're going to lease this land to and the chances that the Board of Land and Natural Resources will do anything different than what we're saying, are almost nil.

"This is a piece of property of over 50,000 square feet at the head of the channel. It's waterfront property. It's extremely valuable property, whether DLNR thinks it is or others, because of its present use where a construction company has just got piles of gravel and rubble on it and not much else. It's adjacent to a public parking lot where there is a boat ramp and people go down and fish at night.

"The room was stacked the second time we heard this bill in the Committee hearing with employees of Honolulu Marine, who apparently had been told that if this doesn't go through, they're going to lose their jobs. And we all know that that simply isn't so.

"We have time to consider this very carefully. The property is extremely valuable and it can't be over emphasized that there will be a day when we'll want to open that up. It is now a 40-foot channel. It was operational until Matson complained about the backup of traffic. The State went and spent a ton of money building a drawbridge, and about eight or nine years later they shut it down, if it was even that long. But, we have a very dangerous situation now with ships going in and out simply the only one entrance. And I think this is poor policy that we're looking at today, and I would ask that we could have a roll call vote on this reso at the appropriate time. Thank you, Mr. Speaker."

At this time, Representative Meyer requested a roll call vote at the appropriate time.

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

"Thank you, Mr. Speaker. I'm in opposition. I don't want to reiterate many of the very good things said or constructive things said regarding why this is premature and why this has not been very well thought out. But I wanted to bring up one other point regarding the State's interest in this. Honolulu Marine is a tenant of ours and perhaps not such a responsible tenant.

"It was about four years ago, I was just flabbergasted actually that Governor Cayetano forgave them \$3 million in back rent. I'm not sure that we want to do business with a company that perhaps would not be a good tenant. In other words this may not be such a good business deal. Thank you."

At this time, the Chair stated:

"Before we go on, I just wanted to make this point. We have 20 minutes to get through this agenda. If we don't get through this agenda, because this is a Crossover deadline for Senate Concurrent Resolutions with House drafts, we may have to come back tonight. So Members, please keep that in mind because I believe our first Conference meeting begins at 1:00 p.m."

Representative Waters 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 opposition to the measure, stating:

"Thank you, in opposition. Honolulu Harbor is one of the great natural harbors of the world. One of the things that makes it such an outstanding harbor was the fact that it had two entrances, fully navigable entrances. It's unfortunate that the ending of the drawbridge to Sand Island has closed off one of those two entrances. But it would be a terrible mistake to continue to call this area that is going to be leased out, to clog up the channel, a *cul-de-sac*. It is part of the harbor. Thank you."

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

Representative Carroll 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."

At 12:43 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

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

"Mr. Speaker, I rise in strong support. Mr. Speaker, I hope the Members will read this resolution, especially the last three paragraphs. The third paragraph on page five:

The Concurrent Resolution does not impute or imply legislative approval of the decisions that must be independently made by the Board of Land and Natural Resources in approving the issuance of any lease, nor imply any intent to include under this Concurrent Resolution any other fast and submerged land lease;

And be it further resolved that this Concurrent Resolution does not impute or imply legislative approval of the decisions that must be independently made by other state or federal agencies that may have jurisdiction over the navigable waters that may be impacted by the lease of submerged lands authorized for lease under this measure and that Honolulu Marine is requested to obtain the permits and approvals necessary to redevelop, manage, and operate its commercial ship repair facility.

"Mr. Speaker, because of these reasons, this resolution does not bind or are we dictating to the Board of Land and Natural Resources how to do their business. Thank you."

Representative Green 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 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."

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

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

Representative Berg rose to respond, stating:

"Thank you, Mr. Speaker. With all due respect to the Majority Leader, I believe that if this does not indicate legislative will, then it's not necessary. So I would still urge our colleagues to think deliberately about this. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. This is the second time I'm rising on this measure. But looking at the second to the last paragraph in the resolution where it says, 'The approvals necessary to redevelop, manage, and operate its commercial ship repair facility.' One of the things that came up very clearly in the Committee hearings was that they do very little ship repair. They actually manufacture boats. They're building water taxis and small tugs that are being used at the Navy in the Navy yard.

"I spoke with a gentleman from the Chamber of Commerce Maritime Interest and he said there was a very good possibility that Honolulu Marine could possibly do their work over by the No. 4 dry-dock in Pearl Harbor. So, this idea that we've looked everywhere and there is no other place, just this 50,000 square feet on Keehi Lagoon, is simply not true. Thank you."

At this time, the Chair stated:

"Thank you. Before going on to Representative Schatz, I just wanted to remind the Members that we have seven more

minutes before our first convening of Conference. I hope that we can get through our agenda by 1:00 pm. So, please, any further discussion on this measure? No votes?"

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

"Thank you, Mr. Speaker, in opposition."

The Chair addressed Representative Moses, stating:

"Would you like to submit your remarks?"

Representative Moses responded, stating:

"No, I'll say it very quickly. In due respect for the Committee that did see this, but I believe notwithstanding all the language in the bill on page five, it should have gone through the Transportation Committee because there are concerns that Transportation would have because of the harbor's oversight. Thank you."

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

Representative Morita 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.C.R. No. 134, SD 1, HD 1, entitled: "SENATE 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 adopted, with Representatives Berg, Cabanilla, Ching, Evans, Finnegan, Fox, Hale, Halford, Marumoto, Meyer, Moses, Sonson and Stonebraker voting no, and with Representatives Say and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1770) recommending that S.C.R. No. 95, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING KOKUA COUNCIL TO CONVENE THE 2005 MODEL LEGISLATURE," was adopted, with Representatives Say and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1771) recommending that S.C.R. No. 106, SD 2, 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 S.C.R. No. 106, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE HAWAII PUBLIC PROCUREMENT CODE," was adopted, with Representatives Say and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1772) recommending that S.C.R. No. 40, SD 1, 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 S.C.R. No. 40, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE POSSIBLE IMPACT OF NON-EXTENSION OF THE DEADLINE FOR BIOMETRICALLY-ENABLED PASSPORTS AND TO PROVIDE ANY DATA AND FINDINGS TO HAWAII'S CONGRESSIONAL DELEGATION, AND THE U.S. DEPARTMENTS OF STATE, COMMERCE, AND HOMELAND SECURITY TO ASSIST EFFORTS IN EXTENDING THE DEADLINE, FOR VISA WAIVER PROGRAM COUNTRIES, FOR COMPLIANCE WITH THE REQUIREMENT FOR ISSUANCE OF BIOMETRICALLY-ENABLED PASSPORTS," was adopted, with Representatives Say and Takamine being excused.

Representatives Chang and Hale, for the Committee on Tourism & Culture and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1773) recommending that S.C.R. No. 155, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 155, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII TOURISM AUTHORITY TO CONVENE A WORK GROUP OF INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF HOSTING AN INTERNATIONAL PACIFIC ASIAN YOUTH BASEBALL LEAGUE CHAMPIONSHIP TOURNAMENT IN THE STATE," was adopted, with Representatives Say and Takamine being excused.

Representatives Chang and Kanoho, for the Committee on Tourism & Culture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1774) recommending that S.C.R. No. 42, SD 1, 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 S.C.R. No. 42, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ENFORCE THE COLLECTION OF THE TRANSIENT ACCOMMODATIONS TAX ON VACATION RENTALS AND BED AND BREAKFAST HOMES; AND REQUESTING THE COUNTIES TO DETERMINE AND ESTABLISH APPROPRIATE REGULATORY REQUIREMENTS FOR THE OPERATIONS OF VACATION RENTALS AND BED AND BREAKFAST OPERATIONS," was adopted, with Representatives Say and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1775) recommending that S.C.R. No. 21, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION URGING FEDERAL HOUSING ASSISTANCE FOR GRANDPARENT-HEADED AND RELATIVE-HEADED HOUSEHOLDS," was adopted, with Representatives Say and Takamine being excused.

Representatives Kahikina and Kanohe, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1776) recommending that S.C.R. No. 186, SD 1, 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 S.C.R. No. 186, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL, STATE, AND COUNTY GOVERNMENTS TO WORK TOWARD MORE HUMANE ALTERNATIVES TO RELOCATING HOMELESS PEOPLE FROM PUBLIC AREAS," was adopted, with Representatives Say 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. 1777) recommending that S.C.R. No. 208, SD 1, 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 S.C.R. No. 208, SD 1, HD 1, entitled: "SENATE 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 adopted, with Representatives Say and Takamine being excused.

Representatives Saiki, Kahikina and Kanohe, for the Committee on Hawaiian Affairs and the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1778) recommending that S.C.R. No. 178, SD 1, 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 S.C.R. No. 178, SD 1, HD 1, entitled: "SENATE 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 adopted, with Representatives Say and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1779) recommending that S.C.R. No. 27, SD 2, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 27, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO STUDY AND EVALUATE EXISTING TRAFFIC CONDITIONS IN THE SOUTH KONA AREA OF HAWAII AND PREPARE A TRAFFIC SOLUTION PLAN TO MINIMIZE EXISTING AND FUTURE TRAFFIC PROBLEMS," was adopted, with Representatives Say and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1780) recommending that S.C.R. No. 221, SD 1, 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 S.C.R. No. 221, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO UPDATE THE HAWAII COMMERCIAL HARBORS 2020 MASTER PLAN; ESTABLISH A CENTRALIZED STATEWIDE CARGO AND PASSENGER SHIP ARRIVAL AND DEPARTURE SCHEDULING SYSTEM TO COORDINATE AND IMPROVE THE EFFICIENCY OF SHIP MOVEMENTS AMONG THE HARBORS OF THE STATE; AND CONDUCT A COMPREHENSIVE STUDY OF CURRENT AND ANTICIPATED HARBOR USES ON OAHU TO IMPROVE HARBOR EFFICIENCY AND EFFECTIVENESS," was adopted, with Representatives Say and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1781), recommending that S.C.R. No. 197, 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.C.R. No. 197, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A MEDICAL MARIJUANA WORKING GROUP TO MAKE RECOMMENDATIONS TO IMPROVE HAWAII'S MEDICAL MARIJUANA PROGRAM," was referred to the Committee on Finance, with Representatives Say and Takamine being excused.

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 certain House bills. (Representatives Say and Takamine 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 the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Say and Takamine were excused.)

H.B. No. 155, HD 1 (SD 1)
H.B. No. 516, HD 2 (SD 1)
H.B. No. 683, HD 1 (SD 2)

ADJOURNMENT

At 12:57 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, April 26, 2005. (Representatives Say and Takamine were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 22, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 99, Hiraki/Luke/Takamine, Co-Chrs.;
HD 1, SD 2 Pine

House Communication dated April 22, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 568, Arakaki/Hiraki, Co-Chrs.;
SD 1, HD 2 Green, Herkes, Schatz, Finnegan

House Communication dated April 22, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 1888, Caldwell/Takamine, Co-Chrs.
SD 1, HD 1

S.B. No. 1889, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 2 Halford

FIFTY-FIFTH DAY

Tuesday, April 26, 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 Mr. Terry Bosgra of Hawaii Youth for Christ, 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 Fifty-Fourth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 213 through 216) were received and announced by the Clerk:

Gov. Msg. No. 213, informing the House that on April 25, 2005, the following bill was signed into law:

S.B. No. 675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 026)

Gov. Msg. No. 214, informing the House that on April 25, 2005, the following bill was signed into law:

S.B. No. 840, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING." (ACT 027)

Gov. Msg. No. 215, informing the House that on April 25, 2005, the following bill was signed into law:

H.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS." (ACT 028)

Gov. Msg. No. 216, informing the House that on April 25, 2005, the following bill was signed into law:

S.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF QUARANTINE." (ACT 029)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 743 through 758) were received and announced by the Clerk:

Sen. Com. No. 743, informing the House that the Senate has, on April 25, 2005, reconsidered action taken on April 14, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1256, HD 1
"PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS."

Sen. Com. No. 744, transmitting H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 745, transmitting H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SYSTEMWIDE FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 746, transmitting H.C.R. No. 267, H.D. 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," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 747, transmitting H.C.R. No. 5, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' DIVISION OF STATE PARKS TO ESTABLISH A SOUTH KONA-KAU COASTAL CONSERVATION TASK FORCE," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 748, transmitting H.C.R. No. 10, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMERGENCY CONTRACEPTION INTERAGENCY WORK GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 749, transmitting H.C.R. No. 56, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PASSAGE OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT (THE "AKAKA BILL")," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 750, transmitting H.C.R. No. 67, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF ATHLETIC HEALTH CARE TRAINERS," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 751, transmitting H.C.R. No. 88, S.D. 1, 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," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 752, transmitting H.C.R. No. 100, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 753, transmitting H.C.R. No. 109, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS

STABILIZATION SERVICES," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 754, transmitting H.C.R. No. 200, H.D. 1, S.D. 1, 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," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 755, transmitting H.C.R. No. 222, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ACTIVELY WORK WITH THE RESIDENTS IN UPCOUNTRY MAUI TO ADDRESS THEIR CONCERNS AND TO REVIEW THE DEPARTMENT'S WATER QUALITY STANDARDS AND PRACTICES IN LIGHT OF CONTINUING CONCERNS REGARDING DETERIORATING WATER QUALITY IN UPCOUNTRY MAUI," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 756, transmitting H.C.R. No. 229, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COORDINATE STUDIES, WITH THE ASSISTANCE OF THE DEPARTMENT OF HEALTH, 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 ANY APPROPRIATE GOVERNMENT AND PRIVATE SECTOR RESPONSES TO THE ON-CALL CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 757, transmitting H.C.R. No. 294, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF EXISTING STUDIES AND STATISTICS ON THE CAUSAL RELATIONSHIP BETWEEN WIRELESS TELEPHONE USE WHILE OPERATING A MOTOR VEHICLE AND INCREASED MOTOR VEHICLE-RELATED ACCIDENTS," which was adopted by the Senate on April 25, 2005.

Sen. Com. No. 758, 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. 179, Chair: Menor
SD 3, HD 2 Co-Chairs: Ige, Taniguchi
Members: Espero, Hooser, Tsutsui, Hogue

S.B. No. 982, Chair: Menor
SD 2, HD 1 Co-Chairs: Inouye, Taniguchi
Members: Espero, Tsutsui

INTRODUCTIONS

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

Representative Moses introduced 5th grade students from the Island Pacific Academy in Kapolei; their teacher Mrs. Elizabeth Riviere; and parents, Mrs. Mary Durrett, Mrs. Chicage Carter, and Mrs. Judy Goodhue.

Representative Takai, on behalf of Representative Takumi, introduced 5th grade students from Lehua Elementary School in Pearl City; their teachers, Ms. Darlene Manshino, Ms. Pam Alo, and Ms. Anna Cavallaro; and chaperones, Ms. Pualei Dobson, Ms. Penny Winslow, and Ms. Angel Van Nostrand.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

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

S.C.R.

No.

Re-referred to:

49, Committee on Labor & Public Employment
SD1

REPORTS OF CONFERENCE COMMITTEES

Representatives Takumi and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1483, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 1483, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 1483, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL," was deferred for a period of 48 hours.

Representatives Souki, Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 77, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 77, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 77, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Representatives Arakaki and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 459, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 459, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 459, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

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 certain House bills.

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 the following House bills, seconded by Representative B. Oshiro and carried.

H.B. No. 685 (SD 1)
H.B. No. 835, HD 2 (SD 1)
H.B. No. 1015, HD 2 (SD 1)
H.B. No. 1666, HD 1 (SD 1)

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried.

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried.

H.B. No. 155, HD 1 (SD 1)
H.B. No. 516, HD 2 (SD 1)
H.B. No. 683, HD 1 (SD 2)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

H.B. No. 155, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 155, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Hiraki and Schatz). Noes, none. Excused, 1 (Stonebraker).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 155, H.D. 1 and H.B. No. 155, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Final Reading by a vote of 51 ayes.

H.B. No. 516, H.D. 2, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 516, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 5 (Arakaki, Luke, Schatz, Nishimoto and Finnegan). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 516, H.D. 2

and H.B. No. 516, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY HEALTH POWERS," passed Final Reading by a vote of 51 ayes.

H.B. No. 683, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 683, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Arakaki, Takamine and Finnegan). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 683, H.D. 1 and H.B. No. 683, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Final Reading by a vote of 51 ayes.

At 12:21 o'clock p.m., the Chair noted that H.B. Nos.: 155, HD 1, SD 1; 516, HD 2, SD 1; and 683, HD 1, SD 2, passed Final Reading.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative M. Oshiro moved to agree to the amendments proposed by the Senate to H.C.R. Nos.: 5, HD 1 (SD 1); 246 (SD 1); 249 (SD 1); and 294 (SD 1); seconded by Representative B. Oshiro and carried.

ADOPTION

The following concurrent resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 5, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 5, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' DIVISION OF STATE PARKS TO ESTABLISH A SOUTH KONA-KA'U COASTAL CONSERVATION TASK FORCE," was adopted.

H.C.R. No. 246, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 246, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A USS ARIZONA MEMORIAL STAMP," was adopted.

H.C.R. No. 249, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 249, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT LEGISLATION CONFERRING VETERANS' BENEFITS ON FILIPINO WORLD WAR II VETERANS," was adopted.

H.C.R. No. 294, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 294, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF EXISTING STUDIES AND STATISTICS ON THE CAUSAL RELATIONSHIP BETWEEN WIRELESS TELEPHONE USE WHILE OPERATING A MOTOR VEHICLE AND INCREASED MOTOR VEHICLE-RELATED ACCIDENTS," was adopted.

ANNOUNCEMENTS

Representative Arakaki: "Thank you, Mr. Speaker. Mr. Speaker, on behalf of Representative Kahikina and myself, I'd like to invite you and our colleagues to our final fellowship lunch immediately following session. And today's topic will be 'How to Relate Wisely to Others.' And it's based on a chapter in the Bible from James 3:13. And if I could just quote it because I think it's appropriate during these days of conferencing. It says,

Who is wise and understanding among you? Let him show it by his good life, by deeds done in humility that comes from wisdom. But if you harbor bitter envy and selfish ambitions in your hearts, do not boast about it or deny the truth. Such wisdom does not come down from heaven but is earthly, unspiritual, and of the devil. For where you have envy and selfish ambition, there you find disorder and every evil practice. But the wisdom that comes from heaven is first of all pure; then peace-loving, considerate, submissive, full of mercy and good fruit, impartial and sincere. Peacemakers who sow in peace raise a harvest of righteousness.

"So, please join us. Thank you, Mr. Speaker."

Representative Halford: "Thank you, Mr. Speaker. Since we've opened session today, I received a memo that was faxed, I guess to every Member, asking me to retract a statement."

At 12:26 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

Representative Halford: "Thank you, Mr. Speaker. I'm rising on a point of personal privilege. Thank you for pointing that out. As I said, since session opened today, I saw a fax that went today apparently to all the Members. And I realize, Mr. Speaker that we have immunity on the floor, and that we do not have to correct statements that we have made. But if in fact my statement is incorrect, then I will correct my statement. I need to research the issue and tomorrow afternoon, if it's incorrect, I will retract it. Thank you."

Representative Yamashita: "Thank you, Mr. Speaker. On behalf of the freshman class I'd like to announce that the tickets are available for the House staff party. You can get them from the distribution Chair, Representative Pono Chong. You can go talk to him or you can see me.

"Also the program is going to be put together for that night and our Co-Chairs are Representative Berg and Representative Carroll. They're putting something great together so it should be a great night. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:28 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 27, 2005. (Representative Hiraki was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 25, 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 14, 2005 to the following House bill:

H.B. No. 155, HD 1, SD 1

House Communication dated April 25, 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 14, 2005 to the following House bill:

H.B. No. 516, HD 2, SD 1

House Communication dated April 25, 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 14, 2005 to the following House bill:

H.B. No. 683, HD 1, SD 2

House Communication dated April 25, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 256, Caldwell/Takamine, Co-Chrs.;
SD 1 Moses

H.B. No. 260, Caldwell/Takamine, Co-Chrs.;
SD 1 Moses

H.B. No. 263, Caldwell/Takamine, Co-Chrs.;
SD 1 Moses

H.B. No. 1597, Caldwell/Takamine, Co-Chrs.;
SD 1 Moses

H.B. No. 1599, Caldwell/Takamine, Co-Chrs.;
SD 1 Moses

House Communication dated April 25, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 944, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 1 Moses

S.B. No. 945, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 1 Moses

S.B. No. 1579, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 1 Moses

S.B. No. 1580, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 1 Moses

S.B. No. 1583, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 1 Moses

S.B. No. 1584, Caldwell/Takamine, Co-Chrs.;
SD 1, HD 1 Moses

S.B. No. 1808, Caldwell/Takamine, Co-Chrs.
SD 1, HD 1

House Communication dated April 25, 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 made the following changes to the conferees on the following measure:

S.B. No. 1352, Discharged Representative Arakaki as a
SD 1, HD 1 Co-Chair.

House Communication dated April 26, 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 made the following changes to the conferees on the following measure:

S.B. No. 1808, Added Representative Shimabukuro as a
SD 1, HD 1 manager.

OTHER COMMUNICATION

"April 26, 2005

Mr. Dwayne D. Yoshina
Chief Election Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Re: 2005 Hawaii State Constitutional Amendments Proposed
by the Legislature

Dear Mr. Yoshina:

During the Regular Session of 2005, Twenty-third Legislatures, one (1) measure containing a proposed constitutional amendment was adopted in conformance with the requirements specified in Article XVII, Section 3 of the Hawaii State Constitution.

The constitutional amendment question with the exact wording as specified in the legislation adopted is as follows:

1. S.B. No. 1256, H.D. 1
PROPOSING A CONSTITUTIONAL AMENDMENT TO
ARTICLE X, SECTION 6, OF THE HAWAII
CONSTITUTION TO MODIFY THE APPOINTMENT
PROCESS FOR THE BOARD OF REGENTS.

QUESTION: "Shall the governor be required to select board of regents candidates from a pool of qualified candidates screened and proposed by a candidate advisory council for the board of regents of the University of Hawaii as provided by law?"

S.B. No. 1256, H.D. 1 passed Final Reading in the Senate on April 25, 2005, with 21 members voting in the affirmative, and Third Reading in the House of Representatives on April 12, 2005, with 41 members voting in the affirmative.

We write to conform with the provisions of Section 11-119 of the Hawaii Revised Statutes which state in pertinent part:

"Whenever the chief election officer is responsible for the printing of ballots, the exact wording to appear thereon, including, but not limited to, questions and issues shall be submitted to the chief election officer not later than 4:30 p.m. on the sixtieth calendar day prior to the applicable election."

Sincerely,

/s/
Paul T. Kawaguchi
Clerk of the Senate

/s/
Patricia Mau Shimizu
Clerk of the House

cc: Mr. President and Members of the
Hawaii State Senate
Mr. Speaker and Members of the
House of Representatives
Mr. Mark J. Bennett, Attorney General"

FIFTY-SIXTH DAY

Wednesday, April 27, 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 Speaker Emeritus Joseph M. Souki, after which the Roll was called showing all members present with the exception of Representatives Saiki and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 217 through 220) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 217, informing the House that on April 26, 2005, the following bill was signed into law:

H.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO NURSES." (ACT 030)

Gov. Msg. No. 218, informing the House that on April 26, 2005, the following bill was signed into law:

S.B. No. 1802, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE." (ACT 031)

Gov. Msg. No. 219, informing the House that on April 27, 2005, the following bill was signed into law:

H.B. No. 582, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILD CENTER-HAWAII." (ACT 032)

Gov. Msg. No. 220, informing the House that on April 27, 2005, the following bill was signed into law:

H.B. No. 437, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF AN INTOXICANT." (ACT 033)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 759 through 762) were received and announced by the Clerk:

Sen. Com. No. 759, 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 Concurrent Resolution:

S.C.R. No. 227, Chair: Chun Oakland
SD 1, HD 1 Co-Chair: Baker
Members: Fukunaga, Trimble

Sen. Com. No. 760, 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 Bill:

S.B. No. 568, Chair: Baker
SD 1, HD 2 Co-Chair: Menor
Members: Chun Oakland, Ige, Whalen

Sen. Com. No. 761, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1528, Discharged Senator Kanno as Chair.
HD 2, SD 2

H.B. No. 1528, Discharged Senator Taniguchi as
HD 2, SD 2 Co-Chair.

H.B. No. 1528, Added Senator Taniguchi as Chair.
HD 2, SD 2

S.B. No. 807 Discharged Senator Kanno as Chair.
SD 1, HD 1

S.B. No. 807 Discharged Senator Taniguchi as
SD 1, HD 1 Co-Chair.

S.B. No. 807 Added Senator Taniguchi as Chair.
SD 1, HD 1

Sen. Com. No. 762, informing the House that the Senate has, on April 26, 2005, reconsidered action taken on April 7, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 527, "RELATING TO PURCHASES OF
SD 2, HD 1 HEALTH AND HUMAN
SERVICES."

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 34) was received by the Clerk and was placed on file:

Dept. Com. No. 34, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, *Audit of the Office of Hawaiian Affairs*.

INTRODUCTION

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

Representative Chang introduced former Representative Archie Hapai, III of Kona.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1782) recommending that S.C.R. No. 70, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 70, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE

ENLISTMENT POLICY FOR HOMESCHOOLERS," was adopted, with Representative Saiki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1783) recommending that S.C.R. No. 128, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF HUMAN SERVICES, AND COMMUNITY PARTNERS TO ESTABLISH A TASK FORCE AND TO PARTICIPATE IN DEVELOPING PROGRAMS AND SUPPORT SERVICES FOR CHILDREN OF INCARCERATED PARENTS, AS WELL AS PROGRAMS TO STRENGTHEN THE FAMILY BOND," was adopted, with Representative Saiki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1784) recommending that S.C.R. No. 192, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 192, entitled: "SENATE 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 Representative Saiki being excused.

REPORTS OF CONFERENCE COMMITTEES

Representatives Herkes, Luke and Magaoy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1843, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 1843, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and S.B. No. 1843, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Arakaki and Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 761, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 761, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and S.B. No. 761, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

Representatives Arakaki, Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 122, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 122, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and

S.B. No. 122, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," was deferred for a period of 48 hours.

Representatives Morita and Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1003, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 1003, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and S.B. No. 1003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," was deferred for a period of 48 hours.

Representatives Herkes, Morita and Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1903, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1903, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and S.B. No. 1903, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," was deferred for a period of 48 hours.

Representatives Ito, Hiraki, Luke and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 295, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 295, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and H.B. No. 295, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," was deferred for a period of 48 hours.

Representatives Ito, Luke and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1320, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 1320, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and H.B. No. 1320, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY 911," was deferred for a period of 48 hours.

Representatives Morita and Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 606, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 606, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and H.B. No. 606, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR NET METERED RENEWABLE ENERGY SYSTEMS," was deferred for a period of 48 hours.

Representatives Kanoho, Carroll and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House

to the amendments proposed by the Senate in H.B. No. 712, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 712, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and H.B. No. 712, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 864, SD 1, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 864, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and H.B. No. 864, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred for a period of 48 hours.

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 certain House bills. (Representative Saiki was 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 the following House bills, seconded by Representative B. Oshiro.

H.B. No. 99, HD 1 (SD 2)
H.B. No. 758, HD 2 (SD 2)
H.B. No. 1060, HD 2 (SD 2)
H.B. No. 1146, HD 1 (SD 2)
H.B. No. 1154, HD 1 (SD 2)
H.B. No. 1318, HD 1 (SD 1)
H.B. No. 1413, HD 1 (SD 1)

At 12:17 o'clock p.m., Representative Magaoy requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

The motion was put to vote by the Chair and carried. (Representative Saiki was excused.)

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried. (Representative Saiki was excused.)

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried. (Representative Saiki was excused.)

H.B. No. 685 (SD 1)
H.B. No. 835, HD 2 (SD 1)
H.B. No. 1015, HD 2 (SD 1)
H.B. No. 1666, HD 1 (SD 1)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

H.B. No. 685, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 685, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, Herkes and Schatz). Noes, none. Excused, 1 (Stonebraker).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 685, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 835, H.D. 2, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 835, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Chang, Hiraki and Karamatsu). Noes, none. Excused, 1 (Marumoto).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 835, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1015, H.D. 2, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1015, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Morita, Souki and Lee). Noes, none. Excused, 1 (Moses).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1015, H.D. 2 and H.B. No. 1015, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE

CONTAINER PROGRAM," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1666, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1666, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 5 (Takamine, Caldwell, Ito, Arakaki and Nakasone). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1666, H.D. 1 and H.B. No. 1666, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

At 12:19 o'clock p.m., the Chair noted that H.B. Nos.: 685, SD 1; 835, HD 2, SD 1; 1015, HD 2, SD 1; and 1666, HD 1, SD 1, passed Final Reading.

**DISPOSITION OF MATTERS
PLACED ON THE CLERK'S DESK**

Representative M. Oshiro moved to agree to the amendments proposed by the Senate to H.C.R. Nos.: 56 (SD 1) and 88 (SD 1); seconded by Representative B. Oshiro and carried. (Representative Saiki was excused.)

ADOPTION

The following concurrent resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 56, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 56, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PASSAGE OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT (THE "AKAKA BILL")," was adopted, with Representative Saiki being excused.

H.C.R. No. 88, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 88, SD 1, 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 Representative Saiki being excused.

ANNOUNCEMENTS

Representative Halford: "Thank you, Mr. Speaker. I'm rising on a point of personal privilege. It sounds like an announcement to me, but since it was recommended that I use a personal privilege, I will take that formal step.

"Mr. Speaker, I just wanted to follow up on the letter that all of us received yesterday from a Honolulu Marine attorney that I received while we were on the Floor yesterday so I didn't have

much time to respond. However, my instinctive reaction was, well, if I made a mistake, I'll correct it. I will easily back down. I have made mistakes before, Mr. Speaker. Not very much, but I have.

"Let me comment please, that it's unprecedented, to my knowledge, to ever see that kind of a letter come across so vigorously. It was sent to every Member in this Body asking for a retraction in that fashion.

"Having said that Mr. Speaker, first then let me clarify that the amount of the forgiven lease rental exceeds \$2.75 million. Yesterday, or the day before, I had used the rounded figure of \$3 million. Mr. Speaker, the industrial marine community in Honolulu has over the last several years, reconstituted itself using various corporations, and shuffling of assets and employees and officers between them. For example, Pacific Shipyards International reportedly is owned by several entities including Honolulu Marine, who perhaps owns 20% of Pacific Shipyards International. And conversely, Pacific Shipyards International supposedly owns, or did own until recently, much of the assets of Honolulu Marine.

"A current principal of Honolulu Marine is Charles Pierce, who used to work for another owner of Pacific Shipyards International, Honolulu Shipyards. Honolulu Marine, Inc. was formed in January, 1990. It also used the dba Kewalo Shipyards. Last December, just 6 months ago, Honolulu Marine, Inc. re-characterized itself as Honolulu Marine LLC. The Department of Commerce and Consumer Affairs says that the dba Kewalo Shipyards, expired in 2001. Perhaps it is problematical, Mr. Speaker, that SCR 134 that we just recently passed is flawed by using the doubly expired names Honolulu Marine, Inc. and dba Kewalo Shipyards.

"In that letter that all the Members received from Attorney Ho, he repeatedly refers to Honolulu Marine without ever referencing whether it is the Incorporation or the LLC that he is referring to. Since the lease at Kewalo presumably is with the original corporation, it begs the question: Who is liable for cleanup of any industrial impact at that Kewalo site?

"In any case, since the industry has gone through so many reincorporations, restructuring, asset shuffles, ownership shuffles, etc., perhaps some technical deniability regarding the unpaid \$2.75 million would be attempted. I'll update you as I further continue to connect the dots. Thank you."

At 12:26 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

Representative Arakaki requested a waiver of the 24-hour advance notice requirement for the purposes of opening conference on S.B. No. 568, SD 1, HD 2 Relating to Dental Examinations for today at 4:00 p.m. in Room 229, and the Chair "so ordered."

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 6:30 o'clock tomorrow, Thursday, April 28, 2005. (Representative Saiki was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 26, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 155, HD 1, SD 1

House Communication dated April 26, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 516, HD 2, SD 1

House Communication dated April 26, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 683, HD 1, SD 2

House Communication dated April 26, 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 14, 2005 to the following House bill:

H.B. No. 685, SD 1

House Communication dated April 26, 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 14, 2005 to the following House bill:

H.B. No. 835, HD 2, SD 1

House Communication dated April 26, 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 14, 2005 to the following House bill:

H.B. No. 1015, HD 2, SD 1

House Communication dated April 26, 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 14, 2005 to the following House bill:

H.B. No. 1666, HD 1, SD 1

FIFTY-SEVENTH DAY

Thursday, April 28, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 6:37 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Robert Miller of Waialae Baptist Church, after which the Roll was called showing all members present with the exception of Representative Saiki, who was excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 221) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 221, informing the House that on April 28, 2005, the following bill was signed into law:

H.B. No. 1222, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES." (ACT 034)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 763 through 773) were received and announced by the Clerk:

Sen. Com. No. 763, transmitting H.C.R. No. 40, H.D. 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," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 764, transmitting 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," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 765, transmitting 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," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 766, transmitting 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," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 767, transmitting H.C.R. No. 255, H.D. 2, 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," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 768, transmitting H.C.R. No. 262, H.D. 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," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 769, transmitting H.C.R. No. 293, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO FULFILL ITS CONSTITUTIONAL AND STATUTORY MANDATE TO PROTECT PUBLIC TRUST INSTREAM USES," which was adopted by the Senate on April 27, 2005.

Sen. Com. No. 770, 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 Concurrent Resolutions:

S.C.R. No. 40, Chair: Kim
SD 1, HD 1 Co-Chairs: Espero, Tsutsui
Members: Nishihara, Taniguchi, Slom

S.C.R. No. 92, Chair: Kokubun
SD 1, HD 1 Co-Chair: English
Member: Hemmings

S.C.R. No. 186, Chair: Chun Oakland
SD 1, HD 1 Co-Chair: Ige
Members: Hooser, Ihara, Inouye, Hogue

S.C.R. No. 207, Chair: Kokubun
HD 1 Co-Chair: English
Member: Hemmings

S.C.R. No. 208, Chair: Kokubun
SD 1, HD 1 Co-Chairs: English, Espero
Member: Hemmings

Sen. Com. No. 771, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1750, Discharged Senator Kanno as a member.
SD 2

S.B. No. 1781, Discharged Senator Kanno as a member.
HD 1

Sen. Com. No. 772, 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 Bill:

S.B. No. 962, Chair: Kanno
SD 2, HD 2 Co-Chairs: Hanabusa, Inouye, Taniguchi

Sen. Com. No. 773, 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 Concurrent Resolutions:

S.C.R. No. 20, Chair: Sakamoto
HD 1 Members: Nishihara, Whalen

S.C.R. No. 134, Chair: Kokubun
SD 1, HD 1 Co-Chair: Taniguchi
Member: Hemmings

S.C.R. No. 147, Chair: Kokubun
SD 1, HD 1 Co-Chair: Taniguchi
Member: Hemmings

S.C.R. No. 191, Chair: Sakamoto
HD 1 Members: Nishihara, Hogue

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 35) was received by the Clerk and was placed on file:

Dept. Com. No. 35, from David McClain, Interim President, University of Hawaii, transmitting their response to the Annual Report on Discoveries & Inventions Revolving Fund (Chapter 304-8.92, Hawaii Revised Statutes).

ORDER OF THE DAY

At 6:42 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 7:01 o'clock p.m.

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, action on Conference Committee Report Nos.: 1, 2 and 3, as listed on pages 1 and 2, will be deferred to Tuesday, May 3."

Conf. Com. Rep. No. 1 and S.B. No. 1483, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Com. Rep. No. 2 and S.B. No. 77, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Com. Rep. No. 3 and S.B. No. 459, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

REPORTS OF CONFERENCE COMMITTEES

Representatives Souki, Luke and Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 76, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 76, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and S.B. No. 76, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," was deferred for a period of 48 hours.

Representatives Kanoho, Ito and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1378, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 10) recommending that S.B. No. 1378, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and S.B. No. 1378, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR HISTORIC TRAIL," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 700, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 11) recommending that S.B. No. 700, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11 and S.B. No. 700, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," was deferred for a period of 48 hours.

Representatives Luke and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 673, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 12) recommending that S.B. No. 673, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and S.B. No. 673, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Representative Takumi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1253, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 13) recommending that S.B. No. 1253, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and S.B. No. 1253, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1685, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 14) recommending that S.B. No. 1685, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14 and S.B. No. 1685, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX," was deferred for a period of 48 hours.

Representatives Herkes, Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 121, HD 1, presented a report (Conf. Com. Rep. No. 15) recommending that S.B. No. 121, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15 and S.B. No. 121, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," was deferred for a period of 48 hours.

Representatives Takumi, Kahikina and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 639, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 16) recommending that S.B. No. 639, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16 and S.B. No. 639, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 693, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 17) recommending that S.B. No. 693, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17 and S.B. No. 693, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," was deferred for a period of 48 hours.

Representatives Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 754, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 18) recommending that S.B. No. 754, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18 and S.B. No. 754, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Morita and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1117, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 19) recommending that S.B. No. 1117, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19 and S.B. No. 1117, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES

SERVING THE GENERAL PUBLIC," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1349, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 20) recommending that S.B. No. 1349, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20 and S.B. No. 1349, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Representatives Morita, Hiraki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1453, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 21) recommending that S.B. No. 1453, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21 and S.B. No. 1453, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," was deferred for a period of 48 hours.

Representatives Takumi and Sonson, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1018, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 22) recommending that S.B. No. 1018, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22 and S.B. No. 1018, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred for a period of 48 hours.

Representatives Sonson, B. Oshiro and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1772, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 23) recommending that S.B. No. 1772, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23 and S.B. No. 1772, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," was deferred for a period of 48 hours.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1872, HD 1, presented a report (Conf. Com. Rep. No. 24) recommending that S.B. No. 1872, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24 and S.B. No. 1872, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," was deferred for a period of 48 hours.

Representatives Morita and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1427, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 25)

recommending that S.B. No. 1427, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25 and S.B. No. 1427, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF HIGH ENERGY EFFICIENT VEHICLES," was deferred for a period of 48 hours.

Representatives Herkes, Kanoho and Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1877, HD 1, presented a report (Conf. Com. Rep. No. 26) recommending that S.B. No. 1877, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26 and S.B. No. 1877, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," was deferred for a period of 48 hours.

Representative Abinsay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 956, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 27) recommending that S.B. No. 956, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27 and S.B. No. 956, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1798, HD 1, presented a report (Conf. Com. Rep. No. 28) recommending that S.B. No. 1798, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28 and S.B. No. 1798, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," was deferred for a period of 48 hours.

Representatives Hiraki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1778, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 29) recommending that S.B. No. 1778, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29 and S.B. No. 1778, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1348, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 30) recommending that S.B. No. 1348, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30 and S.B. No. 1348, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Representatives Takumi, Waters and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1555, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 56) recommending that H.B. No. 1555, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and H.B. No. 1555, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HUALALAI ACADEMY," was deferred for a period of 48 hours.

Representatives Takumi and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 843, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 57) recommending that H.B. No. 843, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and H.B. No. 843, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," was deferred for a period of 48 hours.

Representatives Takumi and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1550, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 58) recommending that H.B. No. 1550, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and H.B. No. 1550, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 150, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 150, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and H.B. No. 150, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Morita, Hiraki and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1238, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 60) recommending that H.B. No. 1238, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60 and H.B. No. 1238, HD 1, SD 2, CD 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," was deferred for a period of 48 hours.

Representatives Morita, Hiraki and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 769, HD 3, SD 2, presented a report (Conf. Com. Rep. No. 61)

recommending that H.B. No. 769, HD 3, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61 and H.B. No. 769, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred for a period of 48 hours.

Representatives Herkes and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 162, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 62) recommending that H.B. No. 162, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62 and H.B. No. 162, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Herkes and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1657, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 63) recommending that H.B. No. 1657, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63 and H.B. No. 1657, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST HOKU SCIENTIFIC," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 502, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 64) recommending that H.B. No. 502, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64 and H.B. No. 502, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES REQUIRING IMPOSITION OF INCREASED PENALTIES FOR SUBSEQUENT OFFENSES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 551, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 65) recommending that H.B. No. 551, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65 and H.B. No. 551, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 553, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 66) recommending that H.B. No. 553, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66 and H.B. No. 553, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION

PRACTICES ACT (MODIFIED)," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1709, SD 1, presented a report (Conf. Com. Rep. No. 67) recommending that H.B. No. 1709, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67 and H.B. No. 1709, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," was deferred for a period of 48 hours.

Representative Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 125, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 68) recommending that H.B. No. 125, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68 and H.B. No. 125, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," was deferred for a period of 48 hours.

Representatives Takumi and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1295, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 69) recommending that H.B. No. 1295, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69 and H.B. No. 1295, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," was deferred for a period of 48 hours.

Representatives Arakaki and Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 332, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 70) recommending that H.B. No. 332, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70 and H.B. No. 332, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FROZEN FOOD PRODUCTS," was deferred for a period of 48 hours.

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 certain House bills. (Representatives Halford, Marumoto, Moses and Saiki 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 the following House bills, seconded by

Representative B. Oshiro and carried. (Representatives Halford, Moses and Saiki were excused.)

H.B. No. 20 (SD 1)
H.B. No. 161, HD 1 (SD 1)
H.B. No. 1749, HD 2 (SD 2)

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried. (Representatives Halford, Moses and Saiki were excused.)

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Halford and Saiki were excused.)

H.B. No. 99, HD 1 (SD 2)
H.B. No. 758, HD 2 (SD 2)
H.B. No. 1060, HD 2 (SD 2)
H.B. No. 1146, HD 1 (SD 2)
H.B. No. 1154, HD 1 (SD 2)
H.B. No. 1318, HD 1 (SD 1)
H.B. No. 1413, HD 1 (SD 1)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to H.C.R. Nos.: 100, HD 1 (SD 1) and 229, HD 1 (SD 1).

At 7:07 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:07 o'clock p.m.

At this time, Representative M. Oshiro stated:

"I'm sorry, Mr. Speaker. I was getting a little ahead of myself."

H.B. No. 99, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 99, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, Luke and Takamine). Noes, none. Excused, 1 (Pine).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 99, H.D. 1 and H.B. No. 99, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 758, H.D. 2, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 758, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Takumi, Caldwell and Chong). Noes, none. Excused, 1 (Ching).

Representative M. Oshiro moved that H.B. No. 758, HD 2, SD 2, pass Final 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 in support with some strong reservations. This bill requires the Department of Education to adhere to the State minimum wage law when setting wages for meal count assistants, adult supervisors and classroom cleaners.

"We all know that we are considering raising the minimum wage this Session. There's been a lot of debate on that bill. The concern I have about this bill is it exempts certain people that work for the DOE. Apprentices, students, wards, handicapped workers are presently subject to special minimum wage. If, we in this Chamber feel so strongly that people should have minimum wage, we should not exempt these other people that perform a duty at the schools. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 758, H.D. 2 and H.B. No. 758, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1060, H.D. 2, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1060, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Sonson, Magaoay and Takamine). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1060, H.D. 2 and H.B. No. 1060, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1146, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1146, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 6 (Arakaki, Sonson, Caldwell, Nakasone, Yamane and Pine). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 1146, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to just register an aye vote with reservations on this particular measure. We didn't have the bill before us. I know that the State has a lot of trouble filling social worker jobs at the Department of Human Services and I hope that this doesn't make it harder for them, but I'm not absolutely sure.

"There is some language here that says that current employees in the social work series, who do not have a degree in social work, will have until 2010 to obtain a social work degree. So their jobs are not in jeopardy. But because I know it's so difficult to find people for a lot these jobs, I just have some concerns that this particular measure may make it more difficult. Thank you, Mr. Speaker. And I would like to prepare some comments for the Journal. Thank you," and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I have some reservations with this bill. HB 1146, SD 2, instructs the Department of Human Resources Development to develop a transition plan covering employees within the social worker series who do not possess a social work degree. The idea is to recognize only those persons with a bachelors, masters or doctoral degree in social work as "Social Workers." Persons presently employed by the State as social workers that have not earned the said degrees shall be called human services professionals. The bill calls for a phase-in period for present employees to either earn a degree so they can be called social workers, or change their classification from social worker to human services professional in the year 2010.

"Many jobs in the Department of Human Services require social worker training but the lack of social workers with degrees has forced the Department to hire lesser trained applicants.

"This bill would ultimately establish a preference for social workers who provide services to the public. My concern is this bill could make it impossible for the Department of Human Services to recruit and adequate numbers of employees to carry on the important work they are charged with."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1146, H.D. 1 and H.B. No. 1146, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1154, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1154, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Abinsay, Hiraki and Halford). Noes, none. Excused, 1 (Schatz).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1154, H.D. 1 and H.B. No. 1154, H.D. 1, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1318, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1318, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Caldwell, Arakaki, Nakasone and Fox). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 1318, HD 1, SD 1, pass Final 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:

"Hawaii Living Donor Leave:

"The Need

Over 417 Hawaii residents have to patiently wait up to 5 years for a life-saving organ and 6 for a bone marrow transplant. Many have and will die waiting. House Bill 1318 and Senate Bill 1352 will help to make the wait shorter.

"Federal Law

Public Law 106-56, the "Organ Donor Leave Act," was signed into law on September 24, 1999 as it grants Federal employees who serve as organ donors up to 30 days paid leave and bone marrow donors up to 7 days paid leave. The leave is in addition to annual vacation and sick leave employees may have accrued.

"Other States

Other states and the District of Columbia that have made such leave available to their employees include:

Delaware	Virginia	Wisconsin
New York	District of Columbia	Kansas
Colorado	Florida	Mississippi
California	Michigan	Indiana
Ohio	Minnesota	Illinois
Missouri	Oklahoma	Utah
South Carolina	District of Columbia	

"Benefits

House Bill 1318 will:

- Remove one barrier for a potential living donor to consider
- Encourage more people to serve as living donors
- Enhance the health and well-being of donors, patients, and their families
- Help increase the supply of critically needed organs and bone marrow
- Save the lives of the critically ill
- Serve as a positive example to private industry

"Fiscal Impact

Although no fiscal numbers are available for presentation, no State has repealed the law since its initial enactment by 6 States in 2001. In fact, 14 states have since enacted similar legislation.

"I would like to acknowledge and thank the officers, members and staff of the Hawaii Coalition on Donation.

"Special Thanks to:

Tony Sagayadoro, MOTTEP
Rachel Wong, Transplant Association of Hawaii,
Glen Hayashida, National Kidney Foundation of Hawaii"

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 HD 1 – Relating to Public Employees.

"The purpose of this bill is to encourage voluntary organ donation by allowing Hawaii State and county 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 to volunteer 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 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:

"Mr. Speaker and Colleagues, life is a very precious gift. It is a gift that we must cherish and preserve. I strongly stand in favor of HB 1318 Relating to Public Employees. This bill is just one of the many measures that facilitates the preservation of life.

"HB 1318 seeks to allow State and county employees up to 7 days of paid leave each calendar year to serve as a bone marrow donor, and up to 30 days of paid leave each calendar year to serve as an organ donor. Hawaii currently has over 400 critically ill patients waiting to receive the gift of life. Some of

those on the waiting list will be blessed enough to finally receive a healthy, working organ, while there are many more other less fortunate ones. The number of transplant candidates has increased, while the number of donors has remained stagnant. Public employees who step up to the courageous role of being an organ donor must be given consideration and our support.

"I have personally witnessed what happens when organ recipients are given the opportunity to receive a transplant. People are literally brought back to life, and families and patients are able to go on living without having to worry whether they, or their loved ones will continue to suffer from a failed organ. This measure would help to ensure a healthier Hawaii. Leave for blood donation and bone marrow testing, which is also very critical to saving lives is already in the package of benefits that are given to public employees. Now, leave for organ donation must be a priority and must be included within this benefit package.

"We, as compassionate lawmakers, must live up to the oath of ensuring the best possible care for Hawaii's citizens. The passage of this bill guarantees our commitment to this just cause. Malama Pono."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1318, H.D. 1 and H.B. No. 1318, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

H.B. No. 1413, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1413, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Saiki, Kahikina, Nishimoto and Finnegan). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1413, H.D. 1 and 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," passed Final Reading by a vote of 50 ayes with Representative Saiki being excused.

At 7:11 o'clock p.m., the Chair noted that H.B. Nos.: 99, HD 1, SD 2; 758, HD 2, SD 2; 1060, HD 2, SD 2; 1146, HD 1, SD 2; 1154, HD 1, SD 2; 1318, HD 1, SD 1; and 1413, HD 1, SD 1, passed Final Reading.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative M. Oshiro moved to disagree to the amendments made by the Senate to H.C.R. Nos.: 100, HD 1 (SD 1) and 229, HD 1 (SD 1), seconded by Representative B. Oshiro and carried. (Representative Saiki was excused.)

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representative Saiki was excused.)

At 7:14 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 6:30 o'clock p.m. tomorrow, Friday, April 29, 2005. (Representative Saiki was excused.)

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 31 through 43 and 71 through 82) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 31 and S.B. No. 117, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 32 and S.B. No. 1883, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILOLI'I FISHERIES MANAGEMENT AREA," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 33 and S.B. No. 1891, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 34 and S.B. No. 797, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 35 and S.B. No. 1473, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 36 and S.B. No. 702, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 37 and S.B. No. 1721, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 38 and S.B. No. 556, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 39 and S.B. No. 1796, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 40 and S.B. No. 1100, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 41 and S.B. No. 118, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS,"

were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 42 and S.B. No. 568, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 43 and S.B. No. 1285, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 71 and H.B. No. 164, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 72 and H.B. No. 477, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 73 and H.B. No. 785, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 74 and H.B. No. 1659, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 75 and H.B. No. 1430, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 76 and H.B. No. 895, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 77 and H.B. No. 1201, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 78 and H.B. No. 1202, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 79 and H.B. No. 320, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 80 and H.B. No. 384, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 81 and H.B. No. 438, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 82 and H.B. No. 806, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Friday, April 29, 2005.

HOUSE COMMUNICATIONS

House Communication dated April 27, 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 14, 2005 to the following House bill:

H.B. No. 99, HD 1, SD 2

House Communication dated April 27, 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 14, 2005 to the following House bill:

H.B. No. 758, HD 2, SD 2

House Communication dated April 27, 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 14, 2005 to the following House bill:

H.B. No. 1060, HD 2, SD 2

House Communication dated April 27, 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 14, 2005 to the following House bill:

H.B. No. 1146, HD 1, SD 2

House Communication dated April 27, 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 12, 2005 to the following House bill:

H.B. No. 1154, HD 1, SD 2

House Communication dated April 27, 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 14, 2005 to the following House bill:

H.B. No. 1318, HD 1, SD 1

House Communication dated April 27, 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 5, 2005 to the following House bill:

H.B. No. 1413, HD 1, SD 1

House Communication dated April 27, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 685, SD 1

House Communication dated April 27, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 835, HD 2, SD 1

House Communication dated April 27, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1015, HD 2, SD 1

House Communication dated April 27, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1666, HD 1, SD 1

House Communication dated April 28, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Concurrent Resolution:

S.C.R. No. 208, Abinsay/Herkes, Co-Chrs.;
SD 1, HD 1 Halford

House Communication dated April 28, 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 14, 2005 to the following House bill:

H.B. No. 20, SD 1

House Communication dated April 28, 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 5, 2005 to the following House bill:

H.B. No. 161, HD 1, SD 1

House Communication dated April 28, 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 14, 2005 to the following House bill:

H.B. No. 1749, HD 2, SD 2

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 99, HD 1, SD 2

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 758, HD 2, SD 2

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1060, HD 2, SD 2

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1146, HD 1, SD 2

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1154, HD 1, SD 2

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1318, HD 1, SD 1

House Communication dated April 28, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bill has this day passed Final Reading in the House of Representatives:

H.B. No. 1413, HD 1, SD 1

House Communication dated April 28, 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 measures:

H.C.R. No. 100, HD 1, SD 1

H.C.R. No. 229, HD 1, SD 1

House Communication dated April 28, 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 Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Concurrent Resolution:

H.C.R. No. 100, Waters/Arakaki/Nishimoto, Co-Chairs;
HD 1, SD 1 Ching

H.C.R. No. 229, Arakaki/Nishimoto, Co-Chairs;
HD 1, SD 1 Finnegan

FIFTY-EIGHTH DAY

Friday, April 29, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 6:37 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Senator Norman Sakamoto, after which the Roll was called showing all members present with the exception of Representatives Hiraki, Kanoho and Souki, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 222 through 225) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 222, informing the House that on April 28, 2005, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution:

H.B. No. 1305, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY." (ACT 035)

"EXECUTIVE CHAMBERS
HONOLULU
APRIL 28, 2005

The Honorable Calvin K.Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

I am allowing the following measure to become law on April 28, 2005, without my signature, pursuant to Section 16 of Article III of the State Constitution.

HB 1305, HD 1 A BILL FOR AN ACT RELATING TO
EQUAL PAY. (ACT 35)

As my Administration has pointed out, this bill is unnecessary. It simply reiterates policies in current federal laws including the Federal Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Pregnancy Discrimination Act of 1978, and the Civil Rights Act of 1991.

Furthermore, Hawaii Law currently addresses waged-based discrimination under our Wage and Hour statutes and the Hawaii Discriminatory Practice Law. The Hawaii Civil Rights Commission is already responsible for handling cases brought under these statutes.

This bill establishes a task force on this topic, but fails to appropriate funds or staff for the task force. Additionally the scope of the task force's responsibilities is ambiguous and subject to various interpretations.

On balance, the bill does no good, but does no real harm. It is only a symbolic gesture by the Legislature. As such I will allow this measure to go into law without my signature.

Sincerely,

/s/
LINDA LINGLE"

Gov. Msg. No. 223, informing the House that on April 29, 2005, the following bill was signed into law:

S.B. No. 1864, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND." (ACT 036)

Gov. Msg. No. 224, informing the House that on April 29, 2005, the following bill was signed into law:

S.B. No. 1713, SD 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA." (ACT 037)

Gov. Msg. No. 225, informing the House that on April 29, 2005, the following bill was signed into law:

S.B. No. 1140, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICE LOAN COMPANIES." (ACT 038)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 774 through 785) were received and announced by the Clerk:

Sen. Com. No. 774, transmitting 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," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 775, transmitting H.C.R. No. 111, H.D. 2, 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," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 776, transmitting 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," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 777, transmitting H.C.R. No. 175, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PILOT PUBLIC-PRIVATE PARTNERSHIP PROGRAM WITH THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT TO SELF-REGULATE AND

MANAGE THEIR PRIVATE PRESCHOOLS," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 778, transmitting H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO REINSTATE THE SOCIAL WORKER SERIES IN ITS CLASSIFICATION AND COMPENSATION PLAN," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 779, transmitting H.C.R. No. 270, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON CIVIL SERVICE EXEMPT POSITIONS IN EACH EMPLOYING STATE JURISDICTION," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 780, transmitting 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," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 781, transmitting 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," which was adopted by the Senate on April 28, 2005.

Sen. Com. No. 782, informing the House that the President has discharged conferees to the following Senate Concurrent Resolutions:

S.C.R. No. 186, SD 1, HD 1
S.C.R. No. 208, SD 1, HD 1
S.C.R. No. 227, SD 1, HD 1

Sen. Com. No. 783, 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 Concurrent Resolution:

S.C.R. No. 42, Chair: Kim
SD 1, HD 1 Co-Chairs: Ige, Taniguchi
Members: Nishihara, Slom

Sen. Com. No. 784, informing the House that the Senate has, on April 28, 2005, reconsidered action taken on April 14, 2005, in disagreeing to the amendments proposed by the House to the following bill, and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 667, "MAKING AN EMERGENCY
SD 2, HD 2 APPROPRIATION FOR FLOOD
LOSSES."

Sen. Com. No. 785, informing the House that the Senate has, on April 28, 2005, reconsidered action taken on April 26, 2005, in disagreeing to the amendments proposed by the House to the following Senate Concurrent Resolution, and has moved to agree to the amendments, and that said resolution has this day passed Final Adoption:

S.C.R. No. 7, "REQUESTING THE

HD 1 DEVELOPMENT OF A STATEWIDE
STRATEGIC PLAN TO PROMOTE
OBESITY PREVENTION AND
HEALTHY LIFESTYLES."

ORDER OF THE DAY

At 6:44 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 6:57 o'clock p.m.

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, action on Conference Committee Report Nos.: 4 through 8, and 51 through 55, as listed on pages 1 through 3, will be deferred to Tuesday, May 3."

Conf. Comm. Rep. No. 4 and S.B. No. 1843, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 5 and S.B. No. 761, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 6 and S.B. No. 122, SD 1, HD 3, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 7 and S.B. No. 1003, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 8 and S.B. No. 1903, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 51 and H.B. No. 295, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 52 and H.B. No. 1320, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 53 and H.B. No. 606, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 54 and H.B. No. 712, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

Conf. Comm. Rep. No. 55 and H.B. No. 864, SD 1, CD 1:

By unanimous consent, action was deferred to May 3, 2005.

STANDING COMMITTEE REPORTS

At this time, the Chair announced:

"These measures, Standing Committee Report Nos.: 1785 through 1790, will be deferred also to Tuesday, May 3."

Stand. Comm. Rep. No. 1785 and S.B. No. 1419, SD 1

By unanimous consent, action was deferred to May 3, 2005.

Stand. Comm. Rep. No. 1786 and S.B. No. 1478, SD 1

By unanimous consent, action was deferred to May 3, 2005.

Stand. Comm. Rep. No. 1787 and S.B. No. 61, SD 1

By unanimous consent, action was deferred to May 3, 2005.

Stand. Comm. Rep. No. 1788 and S.B. No. 620, SD 1

By unanimous consent, action was deferred to May 3, 2005.

Stand. Comm. Rep. No. 1789 and S.B. No. 1127, SD 1

By unanimous consent, action was deferred to May 3, 2005.

Stand. Comm. Rep. No. 1790 and S.B. No. 1345, SD 1

By unanimous consent, action was deferred to May 3, 2005.

REPORTS OF CONFERENCE COMMITTEES

At this time, the Chair announced:

"Members, the Chair will be taking Conference Committee Report No. 80, as listed on page 9, out of order."

Conf. Comm. Rep. No. 80 and H.B. No. 384, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that notwithstanding the report of the Committee, that H.B. No. 384, HD 2, SD 2, CD 1, be recommitted to the Committee on Conference, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.B. No. 384, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL," was recommitted to the Committee on Conference, with Representatives Hiraki and Souki being excused.

Representatives Kahikina, B. Oshiro and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 117, HD 2, presented a report (Conf. Com. Rep. No. 31) recommending that S.B. No. 117, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31 and S.B. No. 117, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representatives Kanoho and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House in S.B. No. 1883, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 32) recommending that S.B. No. 1883, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32 and S.B. No. 1883, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILOLI'I FISHERIES MANAGEMENT AREA," was deferred for a period of 48 hours.

Representatives Kanoho and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1891, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 33) recommending that S.B. No. 1891, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33 and S.B. No. 1891, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," was deferred for a period of 48 hours.

Representatives Kahikina and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 797, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 34) recommending that S.B. No. 797, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34 and S.B. No. 797, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Representatives Kanoho and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1473, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 35) recommending that S.B. No. 1473, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35 and S.B. No. 1473, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," was deferred for a period of 48 hours.

Representatives Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 702, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 36) recommending that S.B. No. 702, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36 and S.B. No. 702, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," was deferred for a period of 48 hours.

Representatives Herkes and Nakasone, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1721, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 37) recommending that S.B. No. 1721, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37 and S.B. No. 1721, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," was deferred for a period of 48 hours.

Representatives Sonson and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 556, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 38) recommending that S.B. No. 556, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38 and S.B. No. 556, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1796, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 39) recommending that S.B. No. 1796, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39 and S.B. No. 1796, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," was deferred for a period of 48 hours.

Representatives Luke and Ito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1100, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 40) recommending that S.B. No. 1100, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40 and S.B. No. 1100, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," was deferred for a period of 48 hours.

Representatives Arakaki and Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 118, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 41) recommending that S.B. No. 118, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41 and S.B. No. 118, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," was deferred for a period of 48 hours.

Representatives Arakaki and Hiraki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 568, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 42) recommending that S.B. No. 568, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42 and S.B. No. 568, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1285, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 43) recommending that S.B. No. 1285, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43 and S.B. No. 1285, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," was deferred for a period of 48 hours.

Representatives Takumi and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1660, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 44) recommending that S.B. No. 1660, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44 and S.B. No. 1660, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Chang and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1699, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 45) recommending that S.B. No. 1699, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45 and S.B. No. 1699, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," was deferred for a period of 48 hours.

Representatives Herkes, Caldwell, B. Oshiro and Nakasone, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1702, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 46) recommending that S.B. No. 1702, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46 and S.B. No. 1702, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," was deferred for a period of 48 hours.

Representatives Morita, Souki and Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1362, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 47) recommending that S.B. No. 1362, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47 and S.B. No. 1362, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was deferred for a period of 48 hours.

Representatives Souki, B. Oshiro and Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1876, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 48) recommending that S.B. No. 1876, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48 and S.B. No. 1876, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," was deferred for a period of 48 hours.

Representatives Kanoho, Abinsay and Magaoay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1267, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 49) recommending that S.B. No. 1267, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49 and S.B. No. 1267, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," was deferred for a period of 48 hours.

Representatives Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 164, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 71) recommending that H.B. No. 164, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71 and H.B. No. 164, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING," was deferred for a period of 48 hours.

Representatives Hiraki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 477, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 72) recommending that H.B. No. 477, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72 and H.B. No. 477, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," was deferred for a period of 48 hours.

Representative Hiraki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 785, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 73) recommending that H.B. No. 785, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73 and H.B. No. 785, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," was deferred for a period of 48 hours.

Representative Kanoho, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1659, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 74) recommending that H.B. No. 1659, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74 and H.B. No. 1659, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," was deferred for a period of 48 hours.

Representatives Morita and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the

amendments proposed by the Senate in H.B. No. 1430, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 75) recommending that H.B. No. 1430, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75 and H.B. No. 1430, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," was deferred for a period of 48 hours.

Representatives Morita, Kanoho and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 895, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 76) recommending that H.B. No. 895, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76 and H.B. No. 895, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," was deferred for a period of 48 hours.

Representatives Abinsay and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1201, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 77) recommending that H.B. No. 1201, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77 and H.B. No. 1201, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," was deferred for a period of 48 hours.

Representatives Abinsay and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1202, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 78) recommending that H.B. No. 1202, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78 and H.B. No. 1202, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 320, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 79) recommending that H.B. No. 320, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79 and H.B. No. 320, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 438, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 81) recommending that H.B. No. 438, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81 and H.B. No. 438, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN

ACT RELATING TO TRAFFIC OFFENSES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 806, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 82) recommending that H.B. No. 806, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82 and H.B. No. 806, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was deferred for a period of 48 hours.

Representatives Souki, Morita, Kanoho and Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 422, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 83) recommending that H.B. No. 422, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83 and H.B. No. 422, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1235, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 84) recommending that H.B. No. 1235, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84 and H.B. No. 1235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL ALLOWANCES," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1236, SD 1, presented a report (Conf. Com. Rep. No. 85) recommending that H.B. No. 1236, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85 and H.B. No. 1236, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," was deferred for a period of 48 hours.

Representatives Morita and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 408, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 86) recommending that H.B. No. 408, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86 and H.B. No. 408, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

ANNOUNCEMENT

Representative Chong: "Thank you, Mr. Speaker. I'd like to recognize my fellow colleague from Kaneohe, Representative Ken Ito and wish him a happy birthday."

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Luke introduced her husband, Mr. Mike Luke; son, Logan Luke; and nephew, Trevor Luke.

ANNOUNCEMENT

Representative Luke: "And if I could also request a waiver of the 24-hour requirement to post notice for a Conference Committee meeting. Conference on H.B. 384, HD 2, SD 2, Relating to Attorneys' Fees for Court Appointed Counsel, will be heard today at 7:00 p.m. Although it was posted for Conference Room 325, we will be meeting in Room 309. Thank you."

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative M. Oshiro introduced Green Party Co-Chair, Mr. Ira Rohter; and Democratic Party Chair, Mr. Brickwood Galuteria.

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representative Souki was excused.)

At 7:02 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 10:00 o'clock a.m., Tuesday, May 3, 2005. (Representative Souki was excused.)

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 50, and 87 through 186) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 50 and S.B. No. 116, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 87 and H.B. No. 283, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR SENATOR HIRAM L. FONG," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 88 and H.B. No. 1476, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 89 and H.B. No. 931, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

AFFORDABLE HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 90 and H.B. No. 1750, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM PRISON TO THE COMMUNITY," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 91 and H.B. No. 852, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 92 and H.B. No. 1276, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 93 and H.B. No. 1301, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 94 and H.B. No. 1758, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 95 and H.B. No. 325, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 96 and H.B. No. 140, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 97 and H.B. No. 1317, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 98 and H.B. No. 1668, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 99 and H.B. No. 500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 100 and H.B. No. 100, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," were placed on the Calendar for Final Reading on Tuesday, April 29, 2003.

Conf. Com. Rep. No. 101 and S.B. No. 1038, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 102 and S.B. No. 1592, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 103 and S.B. No. 1732, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 104 and S.B. No. 3, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 105 and S.B. No. 1420, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 106 and S.B. No. 791, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONTINUUM OF HEALTH CARE SETTINGS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 107 and S.B. No. 807, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 108 and S.B. No. 960, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 109 and S.B. No. 669, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 110 and S.B. No. 1451, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 111 and S.B. No. 1250, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 112 and S.B. No. 682, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 113 and S.B. No. 802, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 114 and S.B. No. 27, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAPIOLANI CHILD AT-RISK EVALUATION PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 115 and S.B. No. 1816, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 116 and S.B. No. 1661, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 117 and S.B. No. 1394, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 118 and S.B. No. 1814, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 119 and S.B. No. 1643, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 120 and S.B. No. 1780, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 121 and S.B. No. 1262, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 122 and S.B. No. 1554, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 123 and S.B. No. 1620, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 124 and S.B. No. 212, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 125 and S.B. No. 617, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETER SERVICES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 126 and S.B. No. 708, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 127 and S.B. No. 813, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 128 and S.B. No. 935, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 129 and S.B. No. 962, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 130 and S.B. No. 1808, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 131 and H.B. No. 390, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 132 and H.B. No. 168, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 133 and H.B. No. 1641, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 134 and H.B. No. 1614, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE PERSONNEL," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 135 and H.B. No. 109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 136 and H.B. No. 841, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 137 and H.B. No. 1556, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 138 and H.B. No. 631, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 139 and H.B. No. 1528, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 140 and H.B. No. 1608, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 141 and H.B. No. 260, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 142 and H.B. No. 263, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 143 and H.B. No. 1597, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 144 and H.B. No. 1599, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 145 and H.B. No. 19, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR HOUSING UNITS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 146 and H.B. No. 1308, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 147 and H.B. No. 1554, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 148 and H.B. No. 1462, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 149 and H.B. No. 1224, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 150 and H.B. No. 1672, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 151 and S.B. No. 55, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 152 and S.B. No. 294, SD 3, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 153 and S.B. No. 738, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 154 and S.B. No. 817, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 155 and S.B. No. 944, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 156 and S.B. No. 945, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 157 and S.B. No. 1194, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 158 and S.B. No. 1579, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 159 and S.B. No. 1580, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 160 and S.B. No. 1889, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIPS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 161 and H.B. No. 278, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 162 and H.B. No. 460, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 163 and H.B. No. 1393, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 164 and H.B. No. 1763, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 165 and H.B. No. 1745, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTS TO THE LEGISLATURE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 166 and H.B. No. 844, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 167 and H.B. No. 1300, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 168 and H.B. No. 1304, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 169 and H.B. No. 1051, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 170 and H.B. No. 115, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 171 and H.B. No. 160, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 172 and H.B. No. 393, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 173 and H.B. No. 1017, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 174 and H.B. No. 1548, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 175 and H.B. No. 1640, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 176 and S.B. No. 1352, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 177 and S.B. No. 1729, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 178 and S.B. No. 1137, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 179 and S.B. No. 1132, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 180 and S.B. No. 1257, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 181 and S.B. No. 179, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 182 and H.B. No. 384, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 183 and H.B. No. 1378, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 184 and H.B. No. 1733, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 185 and H.B. No. 1747, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGNS," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

Conf. Com. Rep. No. 186 and H.B. No. 1309, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the Calendar for Final Reading on Tuesday, May 3, 2005.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m., Tuesday, May 3, 2005.

FIFTY-NINTH DAY

Tuesday, May 03, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 10:13 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Reverend Leon Baker of Hamakua Baptist Mission, 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 Fifty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 226 through 227) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 226, transmitting the Department of Land and Natural Resources' annual report relating to The Hawaii Historic Preservation Special Fund for Fiscal Year 2003-2004.

Gov. Msg. No. 227, informing the House that on May 2, 2005, the following bill was signed into law:

S.B. No. 608, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DUTY OF PHYSICIAN, SURGEON, HOSPITAL, CLINIC, ETC., TO REPORT WOUNDS." (ACT 039)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 786 through 793) were received and announced by the Clerk:

Sen. Com. No. 786, informing the House that the President has discharged conferees to the following Senate Concurrent Resolutions:

S.C.R. No. 134, SD 1, HD 1
S.C.R. No. 191, HD 1

Sen. Com. No. 787, informing the House that the Senate has, on April 28, 2005, reconsidered action taken on April 26, 2005, in disagreeing to the amendments proposed by the House to the following Senate Concurrent Resolutions, and have moved to agree to the amendments, and that said resolutions have this day passed Final Adoption:

S.C.R. No. 79, SD 1, HD 1 "REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES."

S.C.R. No. 106, SD 2, HD 1 "CONVENING A JOINT LEGISLATIVE TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE HAWAII PUBLIC PROCUREMENT CODE."

S.C.R. No. 137, HD 1

"REQUESTING THE COASTAL ZONE MANAGEMENT PROGRAM OF THE OFFICE OF PLANNING TO COORDINATE THE UPDATING AND IMPLEMENTATION OF THE HAWAII OCEAN RESOURCES MANAGEMENT PLAN."

S.C.R. No. 178, SD 1, HD 1

"OPPOSING THE TRANSFER OF THE WAIAHOLE VALLEY AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION BY THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."

S.C.R. No. 186, SD 1, HD 1

"URGING THE FEDERAL, STATE, AND COUNTY GOVERNMENTS TO WORK TOWARD MORE HUMANE ALTERNATIVES TO RELOCATING HOMELESS PEOPLE FROM PUBLIC AREAS."

S.C.R. No. 195, SD 1, HD 1

"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."

S.C.R. No. 208, SD 1, HD 1

"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."

S.C.R. No. 221, SD 1, HD 1

"REQUESTING THE DEPARTMENT OF TRANSPORTATION TO UPDATE THE HAWAII COMMERCIAL HARBORS 2020 MASTER PLAN; ESTABLISH A CENTRALIZED STATEWIDE CARGO AND PASSENGER SHIP ARRIVAL AND DEPARTURE SCHEDULING SYSTEM TO COORDINATE AND IMPROVE THE EFFICIENCY OF SHIP MOVEMENTS AMONG THE HARBORS OF THE STATE; AND CONDUCT A COMPREHENSIVE STUDY OF CURRENT AND ANTICIPATED HARBOR USES ON OAHU TO IMPROVE HARBOR EFFICIENCY AND EFFECTIVENESS."

S.C.R. No. 227, SD 1, HD 1 "CREATING A PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM."

Sen. Com. No. 788, transmitting H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF JANUARY AS CERVICAL CANCER AWARENESS MONTH," which was adopted by the Senate on April 29, 2005.

Sen. Com. No. 789, transmitting 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," which was adopted by the Senate on April 29, 2005.

Sen. Com. No. 790, transmitting H.C.R. No. 151, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HAWAII GLOBAL YOUTH CENTER," which was adopted by the Senate on April 29, 2005.

Sen. Com. No. 791, transmitting 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," which was adopted by the Senate on April 29, 2005.

Sen. Com. No. 792, transmitting 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"," which was adopted by the Senate on April 29, 2005.

Sen. Com. No. 793, transmitting H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," which was adopted by the Senate on April 29, 2005.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

**S.B.
No.**

Re-referred to:

535, SD2 Committee on Labor & Public Employment

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 Final and Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 100 and H.B. No. 100, HD 1, SD 1, CD 1:

Representative Takamine moved that the report of the Committee be adopted, and that H.B. No. 100, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Kawakami.

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise to speak in support of House Bill 100, House Draft 1, Senate Draft 1, Conference Draft 1, the State Budget.

"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 all the tough questions that helped create the product you see before you. Vice Chair Bertha Kawakami and CIP Subcommittee Chair Bob Nakasone also deserve special kudos for all the extra hours that they've put in to make sure that this budget is the best product it can be.

"Mr. Speaker, the budget before you recognizes the pressing needs of our communities, particularly in the areas of education, controlling the ice epidemic, supporting the most vulnerable people in our communities, and ensuring a sustainable future for our children.

"This budget continues to support our public school reform efforts initiated by Act 51, Session Laws of Hawaii 2004.

"It continues efforts to stem the ice epidemic by providing the resources needed to address the prevention, treatment, and law enforcement components of Act 40, Session Laws of Hawaii 2004.

"It provides additional funding for homeless programs and the general assistance population.

"It ensures that valuable green space will be preserved and protected for future generations.

"It supports the needs of the University of Hawaii system.

"It assists the counties by providing money to maintain their roads.

"And it honors the sacrifices being made by our troops and their families.

"Mr. Speaker, our economy is once again showing the signs of the recovery that we saw prior to September 11, 2001. Now is not the time to lose the reins of fiscal discipline that got us here. Now is not the time to stray from the path of fiscal integrity that will lead to long-term economic viability.

"Mr. Speaker, on the same day that the House Draft of the budget was debated on this floor, the Council on Revenues met and revised their revenue projections. Despite what many may believe, or what has been reported, the results of those revisions are not yet a cause for celebration.

"The Council predicted that the State would gain an additional \$67 million in revenue in the biennium we are budgeting for. That very welcomed news was tempered by the fact that the State would actually lose about \$100 million in the next biennium and lose over \$200 million in the biennium after that.

"Mr. Speaker, we are not out of the woods yet. There were many challenges facing the Legislature as we sought to create a responsible and prudent budget for the State of Hawaii.

"As you may recall, in December, the Governor submitted a budget that increased government spending by \$1.2 billion. A month later, at her State of the State address, \$79 million worth of tax relief was promised. As we learned more about the details in the Governor's budget, we discovered numerous *pukas* in funding for education and the battle against the ice epidemic.

"At the same time, the Governor was negotiating pay raises for teachers, firefighters, nurses, engineers, and all other public workers without a clear explanation of how to pay for those raises. According to her financial plan, the Governor left a \$10 million ending balance for what turned out to be \$296 million in pay raises and benefits.

"Finally, between Opening Day and April, the Governor submitted four messages to the Legislature that added another \$50 million in expenditures to her original budget submittal.

"In many ways, you could say that this Legislature was faced with dealing with the "Perfect Storm".

"Despite these challenges, Mr. Speaker, what you have before you today is a budget that focuses on creating the best quality of life possible for Hawaii's people."

Representative Luke rose to yield her time, and the Chair "so ordered."

Representative Takamine continued, stating:

"Thank you. This approach is mindful of many inter-relationships at play, such as what is happening or what is anticipated at the federal level and how this impacts on the State's role in providing services. It also reflects the communities' pressing needs, particularly in education and ice abatement. These are needs that we discovered were missing from the Executive budget request.

"Mr. Speaker, there is no other investment more important than providing our children with the best education possible. Public education is the key to improving the quality of life for future generations, and remains at the very top of our agenda. If our children are not provided with essential services, such as having a good meal at school, or having transportation to get to school, how can they be expected to learn and to excel? These are basic critical services that the Department of Education must provide, which have been restored by this budget.

"This budget supports education by providing an additional \$23.5 million in Fiscal Year 2006, and \$25.1 million in Fiscal Year 2007 over the Governor's budget submitted in December.

"Last session we heard the outcry from the community and moved to appropriate moneys to combat the ice epidemic. This budget follows through on last year's efforts by putting back funding to provide communities with the tools to more effectively combat ice.

"Mr. Speaker, this budget recognizes the deteriorating condition of our roads, and draws on unanticipated revenues totaling \$8 million and a balance of over \$141 million in the Highway Fund to provide subsidies to the various counties. This budget supports our counties by providing funding to help with their transportation infrastructure needs. Although the amounts provided will not solve all of the counties' road problems, it is appropriate to provide this assistance to address the condition of their roads.

"Mr. Speaker, this budget supports the University of Hawaii system in its basic needs and supports the community colleges

to further enhance access to those in the most needy areas of the State.

"This budget provides resources to address the homeless problem in conjunction with a separate measure to tackle the housing issue.

"This budget honors our troops by providing funding to coordinate welcome back home activities when they return.

"When all is said and done, Mr. Speaker, the budget you see before you is \$33 million less than the budget submitted by the Governor.

"Mr. Speaker, this is a balanced budget that is responsive to the needs and demands of our communities. One that focuses on improving the quality of life in every community. Due to the complexity of some issues, and the amount of resources available to implement any new programs, there is still much to do. With this budget, the seeds have been planted for a fruitful interim as we work with our communities to come up with further solutions to these challenges. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'll be speaking for this measure with reservations. Mr. Speaker, we have realized increasingly, that the principle job that the Legislature does every year is come together and find monies to fund public sector pay increases. This is the number one task, by far, of the Legislature and the way to look at it is over the past decade, the State has realized an increase in revenue of \$1 billion. And in that time, we have paid out in public sector wage and benefit increases \$1.3 billion. So we've more than paid out all the extra money that we realized for public sector pay increases.

"Mr. Speaker, you know very well that my whole life has been as a government employee. I worked closely with people in the State government and the county government who benefit from these pay increases. We've got thousands of hard working, dedicated employees who deserve to be compensated for the work that they do, but unfortunately we haven't been able to get past this as our major job, and one of the difficulties is the reversal of what Governor Cayetano called his principal achievement, which was civil service reform, including getting away from arbitrated HGEA settlements.

"These arbitrated settlements like the one that was made this year are made without regard to the total spending of the State, and without regard to the impact they have on the other needs of the State. The reason they are so important is that the HGEA arbitrated settlement sets the standard for the rest of the pay increases. And we saw this again this year when negotiations with HSTA and UPW concluded quickly after the arbitrated settlement came out.

"So I'm very sad and I think we should all be sad at this Legislature that we aren't doing a lot more to help our affordable housing and homeless crisis. That we aren't doing more to help the elderly in our population. That we haven't passed a tax decrease, a tax refund, a credit to help low income people. That we don't give more aid to the counties so we have to consider things like raising the general excise tax to get the counties money that they need to do their services. That we don't have more money to purchase land to protect our land and water resources. This is mainly a matter of money. We need money for that purpose. That we haven't done a better job at dealing with the health needs of our community. That we haven't built the prisons that we need to bring back prisoners that we ship off thousands of miles from the families whom

will help them with their rehabilitation. This is a tragic story. It goes on year after year, the failure to build adequate prison space in Hawaii.

"Mr. Speaker, I think we're all aware of the declining, decaying maintenance of the entire physical plant of the State. The bad shape of our highways. The shape of our harbors. The bad shape of our airports. The bad shape of our schools, K through 12, and the terrible shape of the University of Hawaii system and its facilities. The bad shape of our prisons. The bad shape of our health-related facilities.

"In all these areas, we need more money, we need more resources. We're being starved for the resources to take care of the needs of the people of Hawaii because of the tremendous amount of money going into public sector pay increases. And that's again the story this year. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of this measure. Just a couple of points so that the Members understand that there's a difference between civil service and collective bargaining. Civil Service laws are contained within Chapter 76 and Governor Cayetano did point to civil service reform back in 1998 and 1999 as one of the crowning achievements of his Administration.

"As you know, Mr. Speaker, I worked particularly hard on those measures, so I'm very familiar with the components of the changes to civil service in Chapter 76 and the 'bright lines' that we set forth as policy.

"On the other hand, Mr. Speaker, Chapter 89 is the body of law that governs our collective bargaining and that's a different story. It's apples and oranges. So the previous speaker, I think may have misconstrued or misidentified the relationship to our former Governor.

"Mr. Speaker, regarding Chapter 89 and the blame that the prior speaker would like to lay at the doorstep of our public sector employees, I think needs to be corrected. First of all, Mr. Speaker, the Governor herself, used the laws in Chapter 89, and entered into a six-year contract with the University of Hawaii Professional Assembly, the University Professors, Community College instructors, in a six-year contract, which is unprecedented in Hawaii's collective bargaining history. Giving them over six years, a 1% increase the first year. A 3% increase the second year. A 2% increase the third year. A 5% increase the fourth year. A 9% increase the fifth year and an 11% increase in the sixth year of a six-year, unprecedented contract. She set the base for all subsequent negotiations. I'm sure she was briefed by her Office of Collective Bargaining and Managed Competition staff, that that would be the affect of bargaining. And we have seen that, Mr. Speaker. In fact, we could have predicted that last year when the Governor did come in and ask us to give the University Professors these very generous pay raises.

"As anyone can tell, if you look at the HGEA award, in fact the arbitration panel did take notice of the prior pay raises given to the University Professions and did note that it was quite extraordinary and perhaps somewhat disingenuous for the Administration, through the Office of Collective Bargaining to say that they could not offer than 1.5% one year, 1.5% the second year, when they already promised University professors a 2% raise, and then a 5% raise, a 9% raise and an 11% raise, Mr. Speaker.

"If anyone should care to examine the decision, it's available on the website. It's also available in hard copy beside my desk

here. And it makes a good read because you'll get a better appreciation of our collective bargaining system.

"Just in short, Mr. Speaker, and I'll speak further upon this later on in the OD, the State employees are not to blame for the cost components in this budget. If any responsibility lies, it lies with the Governor. Thank you."

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

"Thank you, Mr. Speaker, in opposition. Thank you. Mr. Speaker, I too would like to start off by complementing the staff, on the House side, that put the budget together. As you know, Mr. Speaker, my office is right by where their office is and those guys work late, lots of hours, work hard and they do a good job.

"The way we do our budget is not an easy system and the process itself is difficult. In terms of mechanically putting this bill together, I do want to extend my complements to that group of people too.

"Before I get into seriously thrashing this budget, Mr. Speaker, I think I might as well give credit where credit is due and point out that this budget does in fact pay our bills and it pays the wages that are due, and it does other good things that would be generally accepted, good things to do. I would say that almost anyone in the community would agree to put those kinds of things in the budget and they are good things.

"But Mr. Speaker, the many things that are awkward or not good about this budget, the list is very long. Longer than we have time to discuss today, so I'll try to limit it to just three points.

"First of all, I would like to point out that this budget is not just how we spend our money. Essential to this budget is how we take our people's money that we spend. And it is awkward, Mr. Speaker, in some of the ways we take our people's money. For example, we tax essential food. We tax doctor visits. Any medical services are taxed. And we tax rents. Those are just three of the awkward kinds of taxation that we do, and I would generally characterize that as our willingness to tax the most fragile members of our community, the willingness to balance our budget on the most fragile members of our community. And the spirit of that, Mr. Speaker, I believe undermines our community in a substantial way. And this budget is balanced on that kind of taking from the most fragile members of our community.

"The second point I'd like to make, Mr. Speaker, is to point out that our budget process, the way we assemble our budget is very obscure, a very difficult process to understand. Maybe some of the Members recall that just a few days ago in one of the major Honolulu dailies, there was commentary from the Chairman of the money Committee on the Senate side. The Senate money Chair pointing out that there are just only five people in the State that really understand how to put a budget like this together, and what the subtleties of the components of the budget. That really is a clear statement that our budget process is awkward, difficult. Certainly the inside elements of our budget are not available to the public because of our obscure and opaque system. And somewhat embarrassing that it implies that we, as legislators, the 76 of us, don't really know how it works either."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Halford continued, stating:

"So the second point that I wanted to make is that the whole process, mechanically how we do this budget is very awkward and certainly leaves the public out of knowing how our budget works, and from making reasonable comments about our budget because the information just really isn't available to them in a readable way.

"The third point, Mr. Speaker, which is somewhat related to the second point about obscurity and opaqueness of our system is that we do not do the due diligence required of this Legislative branch of government, the due diligence regarding keeping a close rein on the purse strings of the State. Specifically, we do not do management and performance audits of all State activities on a regular basis. And this is required in our Constitution, Article VII, Section 10 requires it.

"Mr. Speaker, I don't believe we should do this just because it's required, but because it's practical and reasonable to do that. And because it illuminates what is now an opaque process. For us to do a management audit, those audits are public documents and they illuminate in a very constructive way how we spend and run our government.

"Mr. Speaker, you can ask every employee of the State of Hawaii if they know of waste in State government, every single one of them without exception can tell you of waste in their own area of where they work. They know that. In one particular example, teachers for years had commented on how bad the storeroom was at the Department of Education. That it was a wasteful system, dysfunctional. We weren't getting value out of the storeroom. And it wasn't until many years later, years and years of us wasting money on the storeroom, that a management audit was done on the DOE storeroom and it became obvious to everyone. It didn't take any genius Legislature to realize that we should do something different, that the way we were doing the storeroom had to change. And as you know, Mr. Speaker, we don't do that anymore.

"There are many aspects of government programs, agencies, on and on, that should have that kind of illuminations so that we can make good management decisions. It would empower the Executive with that information, too. So that more and better processes could be implemented to save money.

"You know, Mr. Speaker, about two or three weeks ago, I was speaking in Kihei to maybe 50 constituents about where we were in the Session, and I asked how many believed that there wasn't too much waste in government. And no one would raise their hand. They just all laughed and they laughed real hard because they believe that there is a lot of waste in government. Until we do a management and performance audit, there is no way we're going to prove them wrong. Our community deserves to know that we're looking at what's going on a day-to-day basis in our government.

"So Mr. Speaker, for those reasons, and many more that I won't take your time with, I'm voting no on this budget. And as you know, Mr. Speaker, I've said before, until we implement the constitutional mandate, I will not vote in favor of this budget. Thank you."

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

"Yes, Mr. Speaker, thank you very much. Mr. Speaker, I'm in favor of this bill, the budget, with no hesitation and no apologies. I believe this is a fair budget. It provides for the people of the State of Hawaii, and the needs for the people of the State of Hawaii.

"Mr. Speaker, there was some mention of the civil service reform that was made in the past, and the repeal of civil service

reform, and how it affects the budget. In due respect to the Representative from Waikiki, who is certainly a great Representative and civil servant, I have no apologies for the civil service reform. I voted against the civil service reform when it was on the Floor because I felt it was unfair to the workers, to the retirees, when you took away the medical benefits from the retirees that they've earned. It was a breach of faith, as far as I'm concerned.

"I voted against repeal of arbitration because I felt that arbitration is the modern way to solve labor negotiation problems where it would provide a continuum of services, where the public would not be hurt by services being stopped, and a continuum of revenue that goes into the State coffers.

"I remember some years back when we've had strikes and 30,000 to 40,000 employees stayed home and walked the picket lines. The whole State suffered for that situation. The buying power reduces dramatically. Services end, critical services, service of the Bureau of Conveyances, lifeguards, health services, all very critical for the State of Hawaii.

"There aren't too many services that we do that are not critical, so I am unashamedly in support arbitration and the repeal of the so-called, civil service reform that we made, I believe, too rapidly. And we showed good faith when we came back and repealed the mistake that we made.

"And Mr. Speaker, as far as the Finance Committee, due credit should be given to the Chairman and the Vice-Chairman and the Sub-Committee Chairman of Capital Improvement Projects that provided for a balanced budget, a budget that's even less than what the Governor presented to the Legislature. And I think that in itself is quite an achievement. Thank you, Finance Committee."

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

"Thank you, Mr. Speaker, in support with comments. While I commend the Finance staff for their long hours of work, I know it was a lot for them, but maybe that's because we don't have a computerized system that we should have. The Senate can do it much easier and they put it out on a disk very early. I don't know why we don't convert to that system.

"But on the budget itself, Mr. Speaker, again I'm in support. I have concerns and some disappointments. I'm very gratified, of course, that they'll be a new Judiciary Center in Kapolei that will serve the people of all of Oahu, I believe. Kapolei High School will finally be finished. A lot of other needed projects for the growing new city have been funded. But I still think we left something out of the budget. And this is my disappointment.

"That we couldn't find a way to grant the people of this State the tax relief that was promised by both you and the Senate President at the opening of this Session. And we heard about the UHPA pay raise, but we knew that before the Session began and yet promises were made. We knew that would be the basis for pay raises, yet we made the promises.

"Some of the measures that failed to pass include the earned income tax credit, the increased standard deductions, long-term care insurance, tax credit for small businesses, income tax deductions for health care costs, tax restructuring, tax credit for private employers of National Guard and Reservists, GET exclusion for food, long-term care tax credit, elimination of capital gains tax, elder care tax credit and there's a whole bunch more, Mr. Speaker.

"Instead of the promise of the much anticipated tax relief, the Legislature has instead passed tax and fee increases. And we'll get to those as we go through the OD. As the speaker from Kohala mentioned earlier, we did all these things in the budget to address the shortfalls of the Executive branch and the Governor's request, but let's look at lower education. It should be pointed out that the Committee Report is somewhat misleading because it refers to additional amounts and differences of budgeted amounts but fail to provide totals. In fact the difference referred to in a Conference Committee Report is only about 5% of the total amount requested by the DOE.

"For the University of Hawaii, the Executive budget provided for lump sum appropriation to the UH system. In so doing, the Administration respected the autonomy of the University, which we passed and allowed the Board of Regents and the UH Administration to decide where to allocate resources. The CD 1 completely eliminates the lump sum appropriation and forces UH to spend money on the programs as directed by this Legislature. This heavy-handed tactic prevents accountability and autonomy and insures that key legislators retain influence over every decision of the University.

"As for Public Safety. The Conference Committee allocated more funds to transfer and house prisoners on the mainland. The Majority did nothing to address the pressing need for additional prisons in Hawaii.

"Health. The Legislature has appropriated funding to the Department of Health for specific programs rather than allowing the Director the flexibility to allocate money as needed.

"Human Services. Although the Committee funded most Human Services requests, millions of dollars in funding were unnecessarily restricted by budget provisos.

"Now I am particularly concerned, Mr. Speaker, about the growing enmity for the Executive branch of our government which is shown in some of those budget provisos. The use of the budget by the Legislature to usurp Executive power is a dangerous thing, Mr. Speaker. I'm disturbed by requirements and some of the provisos. For example, section 4, there is an assessment of \$10,000 a day on the Hawaii Tourism Authority for turning in the report to the Legislature after the stated deadline.

"This and other such provisos are clear evidence of animosity toward Executive agencies. Charging fees and collected fines is an Executive branch function, Mr. Speaker. These clauses violate the constitutional principle of separation of powers. Other provisos include clauses with the same requirements and assessments, which are made in section 19, DLNR, report on the evasive species program. Section 20, Department of Health, report on all revenues, expenditures from the Environmental Response Revolving Fund. Section 25, Department of Health, report on the Healthy Hawaii initiative. Section 38, Department of Human Services, report on federal fund reimbursements."

Representative Thielen rose to yield her time, and the Chair "so ordered."

Representative Moses continued, stating:

"Section 39, Department of Human Services, report on homeless programs. Section 44 and 46, Budget and Finance, report comparing general fund appropriations for participating employees of Charter Schools to actual expenditures for benefits provided by the EUTF. Section 64, Public Safety, report on expenditures from mainland prisoners. Section 76,

the AG, report on expenditures from the Criminal Forfeiture Revolving Fund and purposes of drug nuisance abatement unit. Section 78, DAGS, report on statewide computer disaster recovery site. Section 80, DHRD, report on workers compensation expenditures.

"Section 169, this is the savings clause, Mr. Speaker. Thank goodness for this clause. It gets rid of this unconstitutional language. Shame we had to waste the time to put this language, drafting this unconstitutional clause in the budget. Because of the savings clause, they'll just be ignored. So I don't know the purpose other than to say, 'Look at this Executive branch. Look at this people. Look what we did to them.' The framers of our Constitution separated the roles of the Executive and Legislative branch for a reason, and wisely so. It attempts to undo that separation for purely political motives, cynically risk the well being of our State and its people. And I urge the Legislature to reconsider these foolish actions before it is too late. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in strong support of HB 100, our Budget bill. This Conference Draft of the Budget bill reflects the most pressing needs of our communities and particularly in education, the crystal meth problem, homelessness, our *'aina* and ensuring a sustainable future for Hawaii's children.

"Mr. Speaker, I touch on a few of these issues. Each community is unique in its own way and yet each relies on its schools to provide quality education; local law enforcement to aggressively interdict and prevent ice usage; and dependability on our 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 of our communities.

"This budget appropriates additional funding to ensure that the Department of Education will meet its needs for our children in the coming biennium through continued support of the educational system reform efforts initiated in Act 51.

"We are addressing the needs of law enforcement to combat the ice epidemic, as well as the needs of those seeking treatment and prevention.

"This budget allocates funding for the repair of the Hawaii Veteran's Cemetery and for appreciation benefits commemorating the safe return of our loved ones serving overseas.

"The R&M of State highways, roadways, as well as the preservation of our environment are among the top priorities of our budget.

"So Mr. Speaker, while the current economic forecast for Hawaii is upbeat and optimistic, we will remain prudent and fiscally responsible as this budget measure before you endeavors to meet the needs of all of our communities as outlined. However, it does so without trying to place undo burden on our Hawaii taxpayers.

"I thank the Chair of the Finance Committee, the members of the Finance Committee, and our staff for the excellent service they have rendered. Thank you very much, Mr. Speaker."

Representative Takamine rose to respond, stating:

"Mr. Speaker, may I speak in support and a few points in rebuttal. Mr. Speaker, there has been a number of comments

made about what more that we could have done, or we didn't fund this, or we didn't fund that, tax relief included and other needs.

"If I've learned anything during the years that I've been privileged to be a part of this Body, I think it is that there will always be more needs than the State has the resources to provide for. But that's exactly the point for this Body and our counterpart in the Senate because when you don't have enough resources to meet all of the needs, then you must prioritize. That is the process we've gone through in the past five months in coming up with CD 1.

"With respect to, I guess the suggestion that all we do essentially is provide for our public employees and therefore we don't have the resources to provide for other needs. It's an interesting point, Mr. Speaker. And it's interesting because collective bargaining is the lawful means by which we determine cost, what we're going to be paying our public employees, because they are the ones responsible for delivering the public services as indicated by one of the other speakers. And it's interesting that if we feel quality of life is important, and if we feel that essential public services have a direct bearing on families and their quality of life, then there's a natural tie into the importance of being able to recruit and retain the best public employees possible.

"A suggestion was made that arbitration and that process seems to drive all of collective bargaining. You know, I would beg to differ because I think the Governor saw it as appropriate, that the hundred million dollars or so, that it'll take to meet the needs of the collective bargaining package with the teachers was important for the State of Hawaii. Because I believe she recognizes the importance of our public school system. And she appreciates the fact that the teachers as frontline people make a difference between whether our children will benefit in a meaningful way or not.

"And so she agreed to put that amount on the table to fund that package. If the Governor can appreciate the fact that our ability to recruit and retain the best public employees possible is directly related to collective bargaining costs, that is part of what we see in the balancing of our financial plan. Because we see that as just one of the costs of being able to operate government and meet the needs of our citizenry.

"Therefore I submit to you, when complaints about no tax relief that are made on the Floor, is it selective memory? Mr. Speaker, you were directly involved just three or four years ago when over a period of years we provided tax relief to the tune of a billion dollars. And it's not only income taxes that were reduced at that time. Concurrently, you know that we implemented the ..."

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

Representative Takamine continued, stating:

"You know that we implemented the seven step process of depyramiding so that we could lessen the tax burden particularly on business.

"When complaints about how opaque the budget processes are made, I really have to wonder Mr. Speaker, because we started before Session began. We started at the end of December – the process of putting together this budget. Though countless hours of budget briefings, this bill, the budget bill, had at least two public hearings in addition to all of those budget briefings in addition to all of the other financial discussions that went on.

"You know for yourself Mr. Speaker, this year, at least I don't know of when the Budget Committee was as large as it was. So opportunities for input as well as transparency, because beyond the worksheets, because that provides for the detail. And you know from a couple years ago, all of that was put on the Internet as soon as possible. This year for the first time in Conference, the budget sheets were put on the Internet during the period of Conference. Step by step, we've attempted to make information available and the whole process more transparent.

"Certainly, you know that Minority members are represented on the Finance Committee just as Majority members are. And for those who don't sit on the Committee, there are avenues of input. While complaints have been made on this Floor Mr. Speaker, during this entire past five months, I have yet to see a package offered as an alternative.

"If you want to talk about waste. If you want to talk about any of the other sources of funding to meet these needs, where were the suggestions? They weren't provided. Thank you, Mr. Speaker."

At this time, the Chair stated:

"Members, at this point we've had a lot of discussion. For those who have already spoken, the Chair will not recognize you but will allow just two more speakers, and then allow the Members of this House to submit written comments for, or against, or with reservations, into the Journal.

"So at this point, the only individuals that I will recognize will be Representative Sonson and Representative Meyer. Representative Meyer may go first."

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

"Thank you, Mr. Speaker. I'm rising in support but with reservations. There is no question that the Finance Committee staff has worked tirelessly many, many late hours and they've done a grand job. When I have had questions they are always helpful, polite and very pleasant to work with.

"I'm somewhat perplexed. I've heard here on the Floor today some remarks from various colleagues insinuating that the Governor has given away the store in recent collective bargaining, as if she is the person who has been responsible for these generous collective bargaining agreements. This recent round is worth about \$296 million dollars. That's a lot of money. But how anybody in this Chamber can say they had nothing to do with it is bewildering to me.

"Governor Cayetano could see that the cost of collective bargaining was kind of getting out of control growing faster than anything else and he took the brave step to come to the Majority Members and say we need to reverse this binding arbitration law. I have no idea what kind of arm twisting went on in 2002, but that bill was passed by the majority of members in this Chamber that were there then and it was hailed as some extremely important reform.

"Just as soon as the new Governor was elected, the very first, it wasn't the first thing but it was certainly up there with the prime concerns of the next Session, was to undo that binding arbitration law. And you would think we had a whole new cast of characters in this Chamber by the way the speeches went and the way the votes went. So we, as legislators went back on that reform and went back to the binding arbitration law.

"Binding arbitration, no question in my mind, weakens the position of management. And the HGEA is usually the first

group to negotiate. It sets the bar. Just for the 11 year I've been in here, I mean, I've seen raises of 8%, 6%, 5%, 7% a year. I'm 66 years old. I've worked at a lot of different jobs. I can tell you I have never received a raise anywhere I've been, over about 2%. These just seemed astronomical to me. But then again, I'm not a lifetime State worker.

"You know, I haven't followed the arbitration for the last 20 years but these seem like generous, very generous raises. This past weekend the artists with the *The Advertiser* had a cartoon on the editorial page, and it showed a big pie, big round pie with maybe a half of a piece, a little piece left on the plate. And that public workers walking off, belching because they were all full and all these other groups on the other side saying, with their plates saying, 'We'd like something.' I think that there's a lot of truth in that. I think that man captured a lot of what's happening here in the Legislature this year and has happened in other years.

"Other problems with other parts of this budget, the sort of habit of the Legislature to micro-manage. And one of the favorite places is the University of Hawaii. I was concerned to see the Conference Committee eliminated nearly 200 positions from the University of Hawaii's system. The rationale for these massive cuts involved the fact that the positions had remained vacant and unfunded for at least one year. While this is true, the University, like other departments uses the revenue appropriated to vacant positions to make up for shortfalls in other areas. They have that flexibility. Because previous Legislatures failed to adequately fund the University, the Administration was forced to find a creative way to pay for needed programs. I'm speaking about the University of Hawaii's Administration.

"By eliminating the financing associated with these unfunded positions without increasing the general appropriations for the University, the Legislature is essentially cutting millions of dollars of necessary funding to the University System."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Meyer continued, stating:

"Thank you, Representative. Thank you, Mr. Speaker. If the Legislature had appropriated a lump sum as requested by the Administration, the University could have allocated funding to the areas of highest priority. Due to the Legislature's oppressive control over the UH budget, high priority programs are lacking in funding while lower priority programs favored by specific legislators receive money.

"This is an example of one of them found in the budget in Section 55. "Provided that of the general fund appropriation for the University of Hawaii at Manoa, the sum of \$180,000 or so much thereof is maybe necessary for fiscal year '05-'06; and the sum of \$160,000 for fiscal year '06-'07 shall be used to fund three positions in *Ilocano* and *Philippines studies*". It's the specificity of this that is really hard to fathom and I'm surprised we even have names attached to these three positions.

"And another example is provided in Section 60. It says that, general fund appropriations to the University of Hawaii in the two fiscal years shall expend funds in the program ID's in which they are appropriated, with the exception of funds to be transferred to the Department of Budget and Finance. The proviso limits the discretion of the University with regards to the expenditure of funds appropriated and limits their independence. And this budget bill is full of these kinds of things.

"And the last thing, I just want to repeat what my good colleague from Kapolei brought up about these fines that we have, many provisions in here. Sections that talk about that if departments don't get their reports in by a certain date they will be fined \$10,000 a day. I mean, this is like, it's sort of like warfare against some of the Administrative departments. It's not, 'Hail hearty guys. We are all in this together. Let's do the best we can for the taxpayers of Hawaii.' It's, let's stick it to them every time we can even if it's unconstitutional. That's not the kind of collegial behavior we should have. So for those reasons, I can't just vote up clean yet. I have some reservations. Thank you."

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

"Thank you Mr. Speaker, in support. First I would also thank specifically the Chair of Finance and all the members and staff for the wonderful work that they have done. As Chair of the Human Services Committee, Mr. Speaker, I have seen the needs and wants of that community. And if I were to balance that, if I were a member of his staff, I would go nuts. So I really appreciate the hard work that they place in this particular measure.

"Speaking of the provisos, there is nothing that says that provisos are unconstitutional. Two, there is a specific purpose for these provisos. It would allow for checks and balances between the Legislative branch and the Executive branch through their agencies. There is no such thing as a Legislative Budget Office, but this will help the Legislature track these appropriations that are supposed to be expended by these various departments. It is impossible for a part-time Legislature such as ourselves, the way that we were set up, to ensure that the purposes of which these monies are appropriated are expended in a most efficient way in accordance to the wishes of the Legislature.

"Mr. Speaker, these provisos are needed. And the assessment that goes with them also tells of a need. So of the two, Legislative branch and the Executive branch, must try to work together. The reason these assessments are needed is to incentivise, if that's such a word – to give incentives to the department to ensure they comply with the simple requirements of providing information to this part-time Body, part-time Legislature so that we too can do a good job.

"They say that we are picking on them, this particular Legislative branch. Mr. Speaker, that's not the case. It is probably because things have changed. The change is not solely on the Legislative side. There's a change on the Executive side. Why don't we question how they do business from the prior Administration? Perhaps there's change there that requires the Legislative branch to respond such as placing an incentive of fees to the department if they do not comply with such requirements provided in the provisos.

"These provisos are not losses, Mr. Speaker. It does not go to our pockets or to somewhere else. It goes to the general fund. So therefore, Speaker, we are not doing a disservice to the community. We're not taking money just for the sake of taking money away. It goes back to other purposes that we deem proper and needed."

Representative Meyer rose, stating:

"Mr. Speaker, a point of inquiry. An incentive would be if we paid them to get them in on time. This is a penalty, not an incentive, I would think if we looked in the dictionary."

The Chair responded, stating:

"Representative Meyer, your point is well taken. Representative Sonson, please proceed."

Representative Sonson continued, stating:

"Thank you very much. I thought I was getting an English lecture that I deserve. But you know, I will conclude this, Mr. Speaker. I think I've made my point. Thank you very much."

The Chair then stated:

"Members, if any of you would like to submit written comments for, with reservations, in opposition, please do so right 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:

"I rise in support but with reservations regarding HB 100, HD 1, SD 1, CD 1. While this bill provides much needed funding for many worthy organizations both in my district and around the State, some of my reservations are in regard to the language which threatens to micromanage the University of Hawaii and the untrue, overly partisan language regarding the Governor's initiatives."

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

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

"In support with written comments. Basically, they will say that we've been very generous to the University."

Representative Waters' written remarks are as follows:

"A top priority of mine this legislative session was taking care of the UH-Manoa flood damage. We did exactly that by appropriating the following:

- \$22 M G ('05) Emergency Funds
- \$31 M G ('06) Funds
- \$55 M C funds in Repair and Maintenance.

"The Legislature also appropriated from the general funds, \$22.7 M, of which the County Colleges received \$6.1 M. The following is a breakdown of monies appropriated for the County Colleges:

- Hawaii CC: Remedial and Developmental Education, Hawaiian Studies, Islandwide workforce development and training;
- Honolulu CC: Construction Academy, Computing Electronics and Networking Technology Baccalaureate Program;
- Kapiolani CC: Equipment replacement, Culinary Institute of the Pacific, Campus Security;
- Kauai CC: Expansion of Nursing Program, Campus Security, Improving Student Services;
- Leeward CC: Associate of Arts in Teacher Training;
- Maui CC: Applied Business and Information Technology, Baccalaureate Program, Campus Security, Remedial Programs;
- Windward CC: Hawaiian Studies Program, Financial Aide support, Tech support for college programs;

- Community College Systemwide: money for teaching load reduction.

"The University of Hawaii at Hilo received \$3.4 M, which included:

- Nursing Education, Aquaculture and Coastal Resource, Mauna Kea Educational Center, and the Rural Health Center.

"The University of Hawaii at Manoa received monies for the following:

- \$6.9 M for the UH Medical School;
- Lyon Arboretum; and
- Undergraduate Nursing Program.

"The University's West Oahu Campus received funding for:

- Early Childhood Education and a new temporary teaching facility.

"We will also be appropriating funds to allow for an increase in University professors; salary:

- \$4.4 M in ('06)
- \$15.5 M in ('07)

CAPITAL IMPROVEMENT PROJECTS include:

- \$55 M in maintenance and renewal projects;
- \$22 M in health, safety, and code requirements;
- a new campus for Hawaii Community College;
- a new science building for UH Hilo
- a One-Stop center for Kauai CC
- a Science Center for Maui CC
- \$25 M for Frear Hall redevelopment
- \$100 M authorization in revenue bonds for Student Housing

"Also noted, vacant positions were deleted and NO funds were reduced."

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 rise in support of the HB 100, Relating to the State Budget.

"Mr. Speaker, on behalf of the Committee on Public Safety and Military Affairs, I would like to thank the Finance Conferees and their staff for recognizing the sacrifices and dedication of our military forces, including active duty, National Guard and Reserve units.

"Mr. Speaker, your Committee on Public Safety and Military Affairs is grateful to all members of the military. In order to show our appreciation of the troops, our State will join forces with the City and private organizations to welcome home our troops.

"Your Conferees have allocated \$250,000 in FY 2005-2006 for the planning of this appreciation event to culminate with Armed Services Day next year. This appreciation event is to benefit and honor members of our armed forces, including Reserves and National Guard members upon their return home from such deployment.

"Mr. Speaker, this allocation 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, Mr. Speaker."

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

Representative Wakai's written remarks are as follows:

"The public expects all of us to work together and this budget is a product of that collaboration. It's a \$9 billion document.

"The Representative from Kihei correctly points out that it is very complex. Some request we 'dumb down' the message and find it easier to criticize rather than study the numbers. The Finance Staff does not have the time to write a book entitled "Budget for Idiots."

"The Representatives from Waikiki and Makakilo mentioned how we don't have money for prisons. This year the Administration requested the transfer of 601 inmates over the next two years. The Legislature authorized and budgeted for the transfer of 250.

"When the Governor took office, one of her promises was to return prisoners in mainland facilities to the islands. Instead of a New Beginning, we got a New Problem – a prison system that is bursting at the seams, and the Governor's approach is to simply send more of our people out of state. The Administration has provided no leadership in pursuing a much-needed new prison or improvements at existing facilities.

"How can the Minority complain about this budget when, under the direction of the Governor, it has grown by over \$1.2 billion? The Chairman of Finance has shown restraint by trimming the Governor's budget by \$33 million.

"This is a document that clearly and openly provides for the people of this State."

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:

"Mr. Speaker, I am in support of HB 100. Although I have never served on the Finance Committee, I have often sat in on their deliberations because I realize its importance. On all governmental levels, budgets drive policymakers. Having served for 20 years in local government and having served as Finance Chair and Executive Officer, I know how difficult it is to balance the budget and yet provide for the needs in services demanded by the public.

"Over the past five years that I have been in this Body, I have admired the hard work and long hours that it requires to be a member of the Finance Committee. Backed up by a fantastic, knowledgeable Committee staff, they have been very creative in finding money for priority needs for the people of our State.

"As the Chair of the Committee said, "There will never be enough money to satisfy all the needs of this State". I urge everyone to support this budget."

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 the measure. Mr. Speaker, this is the first year I have served as a Member of the House Finance Committee. The challenge of completing a balanced and responsible budget is monumental. I am proud of the work our Chair and the Committee have done and I look forward to working on issues related to the financial well-being of our State in future Sessions.

"I would like to acknowledge the fine work done by the members of the Finance staff, who are always ready to assist and explain the technical aspects of the budget.

"I urge the members to support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 100, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Halford voting no.

At 11:15 o'clock a.m., the Chair noted that H.B. No. 100, HD 1, SD 1, CD 1, passed Final Reading.

At 11:15 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:52 o'clock a.m.

The Chair recognized the Clerk who announced:

"I have been informed by a representative of the President of the Senate that Conference Committee Report for H.B. No. 100, HD 1, SD 1, CD 1, was adopted, and that H.B. No. 100, HD 1, SD 1, CD 1, Relating to the State Budget, passed Final Reading in the Senate at 11:25 a.m. this day.

"In addition, I have been informed by the Assistant Clerk of the House that at 11:32 a.m., this day, H.B. No. 100, HD 1, SD 1, CD 1, has been duly transmitted by the Legislature to the Governor, pursuant to Article VII, Section 9, of the Hawaii State Constitution."

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 794) was received and announced by the Clerk:

Sen. Com. No. 794, informing the House that the Senate has on May 3, 2005, passed the following bill on Final Reading:

H.B. No. 100, "RELATING TO THE STATE
HD 1, SD 1, BUDGET."
CD 1

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 and S.B. No. 1483, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL," passed Final Reading

by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 2 and S.B. No. 77, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 3 and S.B. No. 459, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 459, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 4 and S.B. No. 1843, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1843, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Conference Committee Report No. 4, S.B. 1843, strong support.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1843, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 5 and S.B. No. 761, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and with Representative Takumi being excused.

Conf. Com. Rep. No. 6 and S.B. No. 122, SD 1, HD 3, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 7 and S.B. No. 1003, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 8 and S.B. No. 1903, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

Conf. Com. Rep. No. 9 and S.B. No. 76, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Final Reading by a vote of 50 ayes, and with Representative Takumi being excused.

At 11:55 o'clock a.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1483, SD 1, HD 1, CD 1
S.B. No. 77, SD 1, HD 1, CD 1
S.B. No. 459, SD 2, HD 1, CD 1
S.B. No. 1843, SD 1, HD 2, CD 1
S.B. No. 761, SD 2, HD 1, CD 1
S.B. No. 122, SD 1, HD 3, CD 1
S.B. No. 1003, SD 2, HD 2, CD 1
S.B. No. 1903, SD 1, HD 1, CD 1
S.B. No. 76, SD 1, HD 1, CD 1

At 11:55 o'clock a.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 11:55 o'clock a.m.

Conf. Com. Rep. No. 10 and S.B. No. 1378, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1378, SD 2, HD 1, CD 1, pass Final 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:

"Mr. Speaker, I have reservations on this bill. This is the budget bill that encompasses almost all of State spending and the concerns I have with this bill would not warrant voting against the bill. It is an arduous task trying to balance the budget especially after the pay raises. The system that we have created with current parameters of binding arbitration leaves us granting pay raises without taking into consideration our

ongoing ability to afford the pay raises in the out years. I would like to take this opportunity to say that we need to change some of the rules of binding arbitration.

"I do not support the \$10,000 penalty imposed on the departments. That just does not make any sense to me. I would have liked to see more financial support for our Charter Schools.

"The earlier versions of this bill contained budget provisos that handcuffed Director Lillian Koller from operating efficiently as a Department. I am very appreciative that the bill no longer has those provisos.

"I perceived the budget bill process and the Committee Report to be more political than just plainly doing the State's business."

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 strong support of this measure which seeks to designate the path from Halawa to Waipahu as the Pearl Harbor Historic Trail. Not only will this measure help to ensure the preservation of this trail, create economic opportunities for community businesses, and contribute to education and historic tourism of our State. In addition, on a practical level, historic designations such as this one help to bring in much needed federal funds to support the actual planning, construction and completion of these projects."

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

Representative Yamane's written remarks are as follows:

"I stand in strong support. Mr. Speaker, I support this legislation because it is designed to support the leeward bike path and the Pearl Harbor Historic Trail. This beautification project will create a safe corridor that will be used for outdoor recreation, transportation, nature preservation and economic opportunities. The USS Bowfin Museum stated in their testimony that this trail would be the catalyst for development and link the various military museum and park. This initiative will be good for our environment, show proper appreciation of our military history, promote area businesses and provide recognition necessary for federal funding."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1378, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR HISTORIC TRAIL," passed Final Reading by a vote of 50 ayes, and with Representative Saiki being excused.

Conf. Com. Rep. No. 11 and S.B. No. 700, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," passed Final Reading by a vote of 50 ayes, and with Representative Saiki being excused.

Conf. Com. Rep. No. 12 and S.B. No. 673, SD 2, HD 2, CD 1:

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 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Final Reading by a vote of 50 ayes, and with Representative Saiki being excused.

Conf. Com. Rep. No. 13 and S.B. No. 1253, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 50 ayes, and with Representative Saiki being excused.

Conf. Com. Rep. No. 14 and S.B. No. 1685, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1685, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I have some remarks in support with reservations that I would like included in the Journal having to do with whether we have IRS permission or an MOU regarding sharing of information. Thank you."

Representative Marumoto's written remarks are as follows:

"The intent of SB 1685 is meritorious. However, I feel that the language as written – to enable the State, to share any tax information with county officials for tax purposes, may be very broadly interpreted. I assume that privacy considerations will be observed.

"I am also assuming that the State has permission of the Internal Revenue Service to share tax information. The Department of Taxation apparently has a Memorandum of Understanding with the IRS and would recommend that DoTax make certain that the federal government is aware of the county connection.

"This measure has as its impetus to ferret out illegal 'bed and breakfasts'. This bill will allow the sharing of a great deal of information for this purpose, and I am not at all sure whether an income tax return would reveal this type of illegal activity.

"I would more enthusiastically support it if it helped the counties enact and implement a 'circuit-breaker' type of tax relief applied to property taxes. Those with lower incomes – as demonstrated on their tax returns - would receive a larger tax break.

"We will be observing how this measure unfolds and will amend it in the future if necessary."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING

TO TAX," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Saiki being excused.

Conf. Com. Rep. No. 15 and S.B. No. 121, HD 1, CD 1:

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, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," passed Final Reading by a vote of 50 ayes, and with Representative Saiki being excused.

Conf. Com. Rep. No. 16 and S.B. No. 639, SD 2, HD 1, CD 1:

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, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 50 ayes and, with Representative Saiki being excused.

At 11:57 o'clock a.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1378, SD 2, HD 1, CD 1
 S.B. No. 700, SD 1, HD 1, CD 1
 S.B. No. 673, SD 2, HD 2, CD 1
 S.B. No. 1253, SD 1, HD 1, CD 1
 S.B. No. 1685, SD 2, HD 1, CD 1
 S.B. No. 121, HD 1, CD 1
 S.B. No. 639, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 17 and S.B. No. 693, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 693, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 18 and S.B. No. 754, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19 and S.B. No. 1117, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20 and S.B. No. 1349, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21 and S.B. No. 1453, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Halford, Moses, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 22 and S.B. No. 1018, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1018, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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:

"Mr. Speaker, I strongly support this bill. This bill is important to the preschool movement. We are taking a big step forward. Many of our private preschools are held accountable for quality, safety and health standards by the parents who chose to send them to these schools. Should this bill lead to the self-licensing of private schools through either the Hawaii Associations of Independent Schools or the Catholic Schools, we would be creating private-public partnerships to improve government efficiency."

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, I am in strong support of this bill. This bill will provide for a task force which will serve as one of the starting points for the licensing of preschools and hopefully the beginning of the ensuring that any parent who wishes to send their child to preschool will have that opportunity. Preschool is the place where building blocks for a child's future begins. I ask that my fellow Members support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1018, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 23 and S.B. No. 1772, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1772, SD 1, HD 2,

CD 1, pass Final Reading, seconded by Representative B. Oshiro.

At this time, Representative Fox offered Floor Amendment No. 5, amending S.B. No. 1772, SD 1, HD 2, CD 1, as follows:

SECTION 1. Senate Bill No. 1772, Senate Draft 1, House Draft 2, Conference Draft 1, is amended by deleting its contents and replacing it with new language, to read as follows:

"SECTION 1. Section 387-2, Hawaii Revised Statutes, is amended to read as follows:

"§387-2 Minimum wages. Except as provided in section 387-9 and this section, every employer shall pay to each employee employed by the employer wages at the rate of not less than:

- (1) \$5.25 per hour beginning January 1, 1993;
- (2) \$5.75 per hour beginning January 1, 2002; and
- (3) \$6.25 per hour beginning January 1, 2003.

The hourly wage of a tipped employee may be deemed to be increased on account of tips if the employee is paid not less than 25 cents below the applicable minimum wage by the employee's employer and the combined amount the employee receives from the employee's employer and in tips is at least 50 cents more than the applicable minimum wage.

Effective January 1, 2006, the hourly wage of a tipped employee may be deemed to be increased on account of tips if the employee is paid not less than 25 cents below the applicable minimum wage by the employee's employer plus an amount equal to any increase in the minimum wage as of January 1, 2006, and the combined amount the employee receives from the employee's employer and in tips is at least 50 cents more than the applicable minimum wage."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval."

Representative Fox moved that Floor Amendment No. 5 be adopted, seconded by Representative Ching.

Representative Fox rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I move for the passage of said amendment. Thank you Mr. Speaker. This amendment is to provide a tip credit that will go up in conjunction with the minimum wage. It replaces the underlying bill, Conference Committee Report No. 23, which calls for the gathering of statistics on health insurance policies of various employers.

"Mr. Speaker, I believe that this is a very important matter and urge the Legislature to treat this amendment seriously since we do have a minimum wage bill later in the agenda. And if we can put the tip credit in at this point, I think we will have a good package.

"The situation is, that if you own a restaurant, you have a large number of employees that are affected by the minimum wage law and in almost all cases in Hawaii now, where we have a shortage of people and virtually no unemployment. In almost all situations now, if you own a restaurant and you look out at your staff, the only ones affected by minimum wage

legislation are the tipped employees. Everybody else is already being paid above the minimum wage.

"So when a law is passed requiring an elevation in the minimum wage, you as a restaurant owner are required to raise the wages of those who can most afford it. And it completely eliminates your ability to reward those who can least afford it, the people above the minimum wage working in the back of the house, the cooks, the dishwashers, the others who don't serve the public and the customers out in front. So this is just a strongly felt inequity in the current law that we don't allow people to have the minimum wage affect those who most need the help. We reward a class that lives at a middle class standard of living with wages from \$15, to \$25, to \$30 an hour with tips included. And we deprive the people who own the restaurants of the ability to help those who most need the help, the people in the back of the house.

"I just think we're all a bunch of reasonable people here and we want to do what the federal government and 43 other states do, and that is allow people who are getting the bulk of their income from tips to be exempt from increases in the minimum wage. They will get the minimum wage as it currently is but they won't benefit from any increases because the tip credit will go up along with the increases of the minimum wage. And then we can reward the people who most need the help, the people in the back of the help, the people who really are at minimum wages, not minimum wages plus gigantic tip credits.

"So, it's a very simple amendment. It will accomplish that purpose. I urge Members to vote for it and because we have the absence of a roll call, you're going to have to stand up and say you support this or you will deem to be opposed to the tip credit. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, in opposition to the amendment. Mr. Speaker, I rise in opposition not so much because I'm against the tip credit as our Labor Committee moved out a bill that would've increased a tip credit to \$1, and in Conference, tried to get 75 cents, although there are arguments also why a tip credit doesn't really benefit everyone in the restaurant industry.

"But more importantly here, Mr. Speaker, on this proposed amendment, I'm troubled with the way it's written. I think that if the Members of this House were to refer to the amendment and that provision that it proposes, they increase the tip credit. It's troubling in that the way it's written. It could mean a couple of things. Members, if you read through it, you'll see that it's talking about it. An employee not paid less than 25 cents below the applicable minimum wage, which is the tip credit as it stands today, by the employer's employee, plus an amount equal to any increase in minimum wage. So you're saying, less than, and then plus too.

"So, let's say the minimum wage goes up by 50 cents as its going to be proposed in another bill we're hearing. Could that mean really that the minimum wage is back to 25 cents because you say you're making 25 cents less, and then if you make 50 cents more, that's a plus and a minus, you get 25 cents. It could be read that way.

"The other thing, Mr. Speaker, is it could also be read to mean, it says, it fixes the increase in minimum wage as of January 1, 2006. So let's say 10 years from now, the minimum wage is \$12.75. That means that people working, tipped employees in the restaurant industry would be making no minimum wage. Their sole source would be fixed. And I don't think that this Body intends to reduce the minimum wage to zero going forward, because it freezes it as of January 1, 2006.

Going forward. It also could apply going backwards too. So it's not clear, Mr. Speaker as to what is trying to be accomplished in this other than it looks like maybe they're trying to get their 50-cent increase in the tip credit.

"You know, Mr. Speaker, we've heard the stories about those who drive BMWs and work at Alan Wong's as waiters and waitresses, and at places like Michel's when it was the hot restaurant to go to. But for every one of those stories that we all wished as young adults maybe to have worked as waiters and waitresses at those places, there are many people in the industry working at 'mom and pop' kind of restaurants like Like Like Drive Inn, and most recently Wisteria that unfortunately went out of business. And many of those as we've seen, are women in their middle age, and even moving up in their senior years, that are struggling to make ends meet and are continuing to work to pay their bills, their mortgages, the rent, their children and grandchildren's medical expenses. And they don't have stories to tell like the people that work at Alan Wong's. Their stories are much different. And they're the one's who are just trying to make the ends meet, and they don't make the \$20 an hour, or the \$30 an hour.

"And therefore, we must think about those people when we talk about the tip credit issue, and I think that's why it's something that many of us struggle with. We recognize that we want to try to address the situation with those who are making very high tips, but we also have to watch out for those at the other end of the spectrum, which are the majority of those in that restaurant business, Mr. Speaker. Thank you very much."

Representative Sonson rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker, in opposition. Two points, Mr. Speaker. First, I'm against the credit because it doesn't make sense. It's probably there because somebody wanted it and they managed to pull it off. They did a great job. But it doesn't make sense for the following reasons.

"One, there's no requirement of law that any credit given to the employer, restaurant owners in this particular case, would be given to benefit those who are in the back room. There's no such law. So why give them a credit? I don't know. Maybe so they can make more money. That's the bottom line.

"Two, those people who earn tips, Mr. Speaker, I can definitely talk from experience. I spent 8 years in the bar and restaurant business. And I had to earn every penny of my tips. The craft that you have to perfect will equal to amount of, well the better that you are at your craft and perfecting your skills, the more money you'll make in the end. You know, you've got to smile. You've got to make customers feel welcome. You're doing a great service for the establishment. How would you like to walk into a restaurant and they say, 'Get you a chair over there'. You know, it's like that in other countries because a tip is mandatory. They tell you, 'You know, you have got to tip 15%'.

"I really am opposed to that because it does not promote good service. Good service is part of the dining experience, part of our way of life, part of the things we value in our society and the money that is given to tips as individuals who crafted their skills to be a good waiter or waitress, whatever.

"Mr. Speaker, they truly deserve that. That should not go to their employer. The skill that they administer while working for the employer, making the clients want to come back to that particular restaurant is the reason why they're getting money and that's the reason why they're getting paid, whatever that amount of money that they're getting paid. That's not part of the tips. Thank you, Mr. Speaker."

Representative Halford rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I just wanted to indicate my support for this and point out that it is very straight forwardly written. There's no need for imaginative interpretation of it. Thank you."

Representative Meyer rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I'm rising in support of the amendment. The amendment leaves the increase in the minimum wage. We're not messing with that, but we are adding an increase to the tip credit. The previous speaker talked as if waiters and waitresses are just are working out there, smiling all they can, giving this best service to get the tips. What he doesn't include in that analogy is that the employer creates the venue, the ambiance, the place where the waiters and waitresses can work to serve the general public who come to enjoy a good meal and a night out. And the tip credit recognizes that. Hawaii's tip credit has remained unchanged since enacted in 1969 when the minimum wage was a \$1.60 and has been eroded by inflation to now being about 3.8% of the present minimum wage.

"Without a investment of thousands and thousands of dollars for the front of the house to create a nice atmosphere, restaurants wouldn't need waiters and waitresses. So, the tip credit takes that into consideration. This tip credit in our amendment, it just goes up 50 cents. That would make it 75 cents. And another 50 cents in the next year, which would be \$1.25.

"The average tip credit in the other states, about 50% of them, is \$3.00 and they have lower minimum wages than we have. So, these states recognize the benefit that owners of restaurants are giving. Where else can you go, just out of high school, get a job in a nice restaurant and earn \$25 to \$30 an hour? So since we have done nothing with this tip credit since 1969, this year the Restaurant Association and many restaurant owners spent considerable time trying to educate the Representative and the Senators as to what the tip credit does, why it exists, and why they need it to be adjusted.

"So we are simply trying to address that and this would be an opportunity to make more of a 'win-win' out of the increase in the minimum wage. Thank you, Mr. Speaker."

Representative Green rose, stating:

"Thank you, Mr. Speaker. Again, I think that if we want to give a break to the restaurant owners, we should do that, but not at the expense of the workers. It does amount to putting many thousands of dollars back into the owner's pockets. Not a bad idea perhaps, but I don't think we should do it at the expense of hard working individuals. Thank you, Mr. Speaker."

At this time, the Chair stated:

"We've had a lot of discussion on the proposed floor amendment. If anyone would like to recognize their vote because this is a voice vote at this period in time, you may stand to voice and record your vote."

Representative Finnegan rose and asked that the Clerk record an aye vote for her on the proposed floor amendment, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote for him on the proposed floor amendment, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote for her on the proposed floor amendment, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote for her on the proposed floor amendment, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote for her on the proposed floor amendment, and the Chair "so ordered."

The motion that Floor Amendment No. 5, amending S.B. No. 1772, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," be adopted, was put to vote by the Chair and failed to carry.

(Main Motion)

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

"On the underlying bill, I am in opposition. I think it creates a lot of work for the Department of Human Services, and perhaps also the Department of Commerce and Consumer Affairs. People will have to keep track of whether employees will comprise a 25-employee threshold. And then through various subsidiaries, there may be 3 here, 10 here, 7 at another island, and it will be a lot of work to keep track to see whether companies will reach the 25-employee threshold. I don't think that this is worth the trouble it takes. Thank you."

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

"Thank you, Mr. Speaker. There are problems with this bill and I'm in opposition. In terms of recordkeeping that involves DLIR, as well as Department of Human Services. But mainly I don't simply understand the rationale of this bill. If an employer is employing people who are so poor that they still require State support and healthcare, I think it's terrific that the employer is offering jobs to those people. I mean that's what we want. We want people to go into the work force. So the whole logic of this process, you know, has missed me."

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

"Thank you, Mr. Speaker, in opposition. I was in support of this all the way up until Conference Committee when we added some language. And I think that it was good that we added the language. The AG was just having some questions in regards to the Privacy Act and how, if a company that has a high percentage of Medicaid clients that work for a particular company. That by giving that information of that company's name would somehow automatically say that the employees, because many of them are highly, or because there's a high percentage in that company, that it would identify the workers as being under Medicaid. And so if that language is in there and if that what the AG said is true, then I'm not sure of how effective we'll be if you cannot report the companies' names anyway."

"The other part of this is that the Department of Human Services did say that in order to do this, they had approximately said the cost was going to be about \$275,000 and we don't have

enough appropriation in this. So for those reasons I'm going to say no. Thank you."

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

"Mr. Speaker, in support. A Member stood up and said they can't see the rationale for this bill. The rationale for this bill should be clear. It is a public policy statement that we made in this State that we should provide healthcare for our workers. It has been found that some employers has gone ahead and defied that public policy statement to our laws. Because what has been happening is that as stated in the first page of this bill, Mr. Speaker, it gives examples of what's happening in the mainland. And if it's happening in the mainland, you bet it's going to happen here too. Because stores that are mentioned in this particular bill on the first page do exist and they're coming. They are existing here and they do come under our State laws."

"What's happening is that healthcare cost is being passed on by these employers. Healthcare is supposedly their responsibility to give to their workers. And if they're passing that on to Medicaid, as was the case in Georgia, then we need to know about it. The excuse that it's too hard to do, the excuse that it's more work for the Department has no merit. Mr. Speaker, it is our responsibility to enforce public policies. Thank you."

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

"Thank you, Mr. Speaker, in strong support. I would like to adopt the words of the Chair of the Human Services Committee as if they were my own."

"Further, I'd like to explain to the Minority Leader the rationale behind this bill. Wal-Mart has an annual event called Media Days, where they make themselves available to the media. And there was a question posed by a reporter and they were asked why Wal-Mart has the most numbers of employees on state Medicaid rolls, the CEO of Wal-Mart said, 'There are government assistance programs out there that are so lucrative, it's hard to be competitive, and it's expensive to be competitive.'"

"So now we have a corporation, actually the largest company in the United States, whose business model is predicated on depending on Medicaid and our State taxpayers are subsidizing the workers who would otherwise be insured if they work for Costco or Foodland or Safeway. It is a matter of public policy for us to find out which companies are taking care of their workers and which are not."

"You know, we make decisions. We will make decisions today on economic development. We are trying to create jobs. We are trying to develop a strong workforce. We make permitting decisions. We provide tax-subsidies. We provide subsidies in the form of Medicaid and all of these decisions are based on what we think will increase quality of life. It is important for me anyway, as a policymaker, to know if we're going to help a company with permitting or planning or economic development assistance in terms of workforce training or tax subsidies. I would like to know, that at a minimum their business model is not predicated on sending their workers back to the State for free health insurance. Thank you."

Representative Fox rose to respond, stating:

"Thank you. I continue to be in opposition. Mr. Speaker, I know that every legislator sitting at their desk here this morning knows that we have a law in Hawaii that requires employers to provide full-time employees healthcare. So that, simply, is not

an issue. If the issue is one of enforcement. For heaven's sakes, we should enforce the law. It is the law. And you know, the State is proud to have that law. I assume we're talking about part-time employees and they do not necessarily get covered for healthcare, and I think it's a great thing if part-time employees are brought in to the employment system. And so I do not understand the rationale for this law. We are not Georgia. We are the State of Hawaii and proud of it. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I speak in support of this measure. I just think the people who live in Georgia are also proud to live in Georgia. If you live in Hawaii, you're proud to live in Hawaii. I don't know what the point of that is.

"The fact of the matter is, if you have an employer out there, and this is merely a disclosure Mr. Speaker, that you have to disclose who your employer is. It is true in Georgia. When 10,000 children were found out to be dependents of Wal-Mart employees, that cost the State and federal taxpayers over \$6.6 million a year. I think we should find that out.

"The point by the Minority Leader that in a sense, I suppose, we should be glad we have these companies that either underpay or under-employ people, we should be happy about that because at least these people have a job.

"Mr. Speaker, this is a pro-business bill because those companies out there that are providing for their employees so that they do not qualify Medicaid, they are competing against companies that do this. So, this is to help those businesses that are playing fair. Thank you very much Speaker."

At this time, the Chair stated:

"Members, we've had a lot of discussion on this. Representative Moses, I'll allow you. In support with reservations?"

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

"Not in support, Mr. Speaker. In opposition. You know, I guess we should have just labeled this, if this is all about Wal-Mart, let's just call it the 'Anti-Wal-Mart bill'. Let's make sure we don't give them any credits and let's not shop at Wal-Mart anymore. I call for a boycott by all legislators against Wal-Mart. Let's not ever shop there again. Do I have your eyes on that? I didn't think so. 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. 1772, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYERS," passed Final Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Halford, Marumoto, Meyer, Moses, Pine and Thielen, voting no.

At 12:21 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 693, SD 1, HD 1, CD 1
 S.B. No. 754, SD 1, HD 1, CD 1
 S.B. No. 1117, SD 1, HD 1, CD 1
 S.B. No. 1349, SD 1, HD 1, CD 1
 S.B. No. 1453, SD 2, HD 1, CD 1
 S.B. No. 1018, SD 1, HD 1, CD 1
 S.B. No. 1772, SD 1, HD 2, CD 1

At this time, the Chair stated:

"Members at this time we'll take a 1-hour break and we'll reconvene at 1:30 p.m. In the mean time, Chair Luke, would you like to make an announcement?"

ANNOUNCEMENT

Representative Luke: "Thank you, Mr. Speaker. I would invite all the members of the women's caucus to the rotunda. We'll be having a short press conference on the two bills: the Megan's Law, and the DNA Bill. Thank you."

Speaker Say: "For the Members of the House who are not going to attend the press conference, there is lunch for you in the waiting room. So, we'll recess till 1:30 p.m. Recess."

At 12:23 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

LATE INTRODUCTIONS

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

Representative M. Oshiro introduced friends from The Plaza at Punchbowl retirement community.

Representative Meyer introduced Mr. Paul Smith, husband of Ms. Linda Smith of the Governor's Office.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 24 and S.B. No. 1872, HD 1, CD 1:

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, CD 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 Final Reading by a vote of 50 ayes and, with Representative Souki being excused.

Conf. Com. Rep. No. 25 and S.B. No. 1427, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1427, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm speaking in opposition although I've yet to produce a pink slip. Conference Committee Report No. 25 deals with a laudable objective, which is to improve the efficiency of our automobiles and I just wanted to bring to the Body's attention the information that I have from DAGS on the cost of this amendment of this bill. The bill is going to take about half the fleet for regular automobiles. That's not trucks, that's not bigger vehicles, but the regular automobiles, about half the fleet is going to have to be hybrid vehicles.

"The hybrid vehicles cost about \$3,000 extra each. The problem is that DAGS is currently in the mode of buying used cars, not new cars. They buy the used cars on an average of \$8,000 less than the price of a new car. But you can't get the high-energy efficient hybrid vehicles off the used car market. They aren't there. So it's going to be a cost of about \$11,000 a vehicle in order to go to this hybrid vehicle.

"I think it's great news for Servco. They're going to be selling a lot of cars, but it's pretty tough on the taxpayers and actually to the tune of \$2.75 million a year, which is far more than we're going to save in gas. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition. You've heard some of the arguments from my colleague. The alternative fuel vehicles are not only more expensive but the batteries can cost between \$5,000 to \$8,000 each. That hasn't been factored into the cost. The necessary maintenance infrastructure which includes battery-recharging stations is not currently in place. So it's nowhere in the State. So this is a large expense for the proposed increase in alternative fuel vehicles.

"The development of such an infrastructure requires additional funding for construction and maintenance that's not provided in the measure. Mandating percentage increases and alternative fuel vehicles may reduce the number of vehicles the State can afford to buy because as you heard, they're buying now used vehicles. This will force the State to keep deteriorating, unreliable vehicles in service repair time that is unpractical and inefficient.

"The DOT is already in compliance with the US Department of Energy and Alternative Fuel Program that requires states to require alternative fuel vehicles. So without appropriating additional funds for this specific purpose of alternative fuel vehicles, there'll be higher up-front costs and the deployment of the support infrastructure, this bill will hamper still operations. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, this measure will save the State money for one very simple reason. The measure provides for alternative fuel vehicles. This Legislature has enacted a gas cap. The gas cap is going to raise the cost of normal gasoline. These alternative vehicles won't need to buy as much of that normal gasoline. They can use alternative fuels and therefore it will save the State money. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support as well. I think this bill gives us the opportunity to have our State vehicles serve as a model for those and encourage those to purchase hybrid vehicles, which are energy efficient and good for the environment. Thank you."

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

"I would like to rise in strong support and ask that the words of the fellow representative from Kailua be entered as if they were my own," and the Chair "so ordered." (By reference only.)

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:

"Mr. Speaker, I will support this bill, but I do have concerns. I would like our State to lead by example by purchasing energy efficient vehicles. It is stated that buying these vehicles will save money. If we want to take a stand to be energy efficient, that is fine with me. The current situation with DAGS is that they have a system of purchasing used cars. All things considered, I am not convinced that we will see an overall savings and that by passing such a bill, we are making a commitment to possibly spend more money in the name of being environmentally safe and energy efficient. I am willing to do that."

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

"Thank you, Mr. Speaker. On the same measure, in strong support. I think for us as legislators, we have to take a look at the future and alternative means to fossil fuel. We need to look at it. I think it's a good example that the State is the leader of this."

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

"Mr. Speaker, I rise with reservations. I wish that this had been a resolution directing the Department of Accounting General Services to go in this direction rather than having mandated percentages per year. Thank you."

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

"Mr. Speaker, in support. Just for the edification of the Members. With regards to hybrid vehicles, you do not need a separate recharging system. The electrical component of the car is rechargeable onboard, from the gasoline motor and the braking system. 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. 1427, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF HIGH ENERGY EFFICIENT VEHICLES," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Fox and Moses voting no, and with Representative Souki being excused.

Conf. Com. Rep. No. 26 and S.B. No. 1877, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1877, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise to speak in opposition to S.B. 1877, HD 1, CD 1. The purpose of this bill is to have the Department of Business Economic Development and Tourism maintain sole jurisdictions of over land and State planning functions. And that the Office of Planning not report to any other principle Executive department other than the Department of Business, Economic Development and Tourism. S.B. 1877 serves no purpose as it does not add to the improved cooperation or coordination between the Office of Planning and the Department of Land and Natural Resources.

"Incidentally, often agencies, DBEDT, Office of Planning, DLNR and others the involved have testified in opposition to this measure. There is no need to change the structure of the departments in order to get things done when everyone is already working together. This Administration is conscientious about working as a team. All departments coordinate, they discuss policy concerns and are already working effectively together.

"The Office of Planning was split from the former Department of Planning and Economic Development and placed within the Governor's office because of the breadth of its responsibilities. And it deserves to stand on its own and continue to work in conjunction with DLNR, the Department of Agriculture, the Department of Health, the Department of Transportation, State Civil Defense and DBEDT by providing ongoing coordination and communication consistent with the Administration objectives between these sister agencies. There is no need for S.B. 1877. I urge my colleagues to vote no on this measure. Thank you."

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

"Mr. Speaker, I just raised a potential conflict. My daughter is the Director of the Office of Planning," and the Chair declared "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1877, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Final Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Halford, Meyer, Moses, Pine and Stonebraker voting no and, with Representative Souki being excused.

Conf. Com. Rep. No. 27 and S.B. No. 956, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Final Reading by a vote of 50 ayes and, with Representative Souki being excused.

Conf. Com. Rep. No. 28 and S.B. No. 1798, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Final Reading by a vote of 50 ayes and, with Representative Souki being excused.

Conf. Com. Rep. No. 29 and S.B. No. 1778, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1778, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 1778, SD 2, HD 1, CD 1. This bill increases penalties for "handymen" who perform work at a price which exceeds \$1,000. Handymen provide a valuable service, as they do those repair jobs so needed by our local homeowners.

"Their work is especially important as Hawaii presently has a strong and vibrant economy that is outperforming the nation as a whole. Indeed, in its outlook for the Economy 1st Quarter 2005, DBEDT predicts a "robust construction sector the foreseeable future." The result is a great demand for contractor's services that not all licensed contractors will be able to fill. As a result people will be turning to these handymen for small repair jobs.

"This bill will drive handymen out of business. With the government taking a more aggressive roll through the mandatory cease and desist orders, coupled with the bill's excessive mandatory penalty of at least \$10,000 a day for an individual violating the cease and desist order, will drive legal handymen out of work. They would rather shut down than face the stiff penalties of this bill if the repair project exceeds the \$1,000 ceiling, even by a dollar.

"Mr. Speaker, I recognize the need to enforce our laws regarding contractor licensing. However, we should be seeking new ways to increase people choices when seeking repair services, rather than decreasing them, particularly in this building-boom time."

Representative Finnegan rose in opposition to 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:

"Mr. Speaker, I rise against this bill. The cost of housing is extremely high in Hawaii. Construction is so regulated that it takes a large toll on the cost of building or remodeling a home. As we considered consumer protection in the past, but I believe that we have lost some consumer choice in the evolution on construction."

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

"Mr. Speaker, I'm rising in opposition to this bill. This is S.B. 1778, Relating to Contractors. I just want to make the point that I think this \$10,000 fine per day is extremely excessive.

"I would remind the Members in this Chamber that there are many, many states across the United States where people who build, contractors, do not have to be licensed. And this is just more protectionist license legislation that's on the books now, every year, to be just cemented and make it worse to the point where people will have no choices. It's down to \$1,000 that you could hire somebody who's not a licensed contractor now, and it makes it very expensive for the people of Hawaii to have small renovations done and I don't think that's in the best interest of the taxpayers of Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1778, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Meyer, Stonebraker and Thielen voting no, and with Representative Souki being excused.

Conf. Com. Rep. No. 30 and S.B. No. 1348, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1348, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in strong support of this measure, as well as S.C.R. No. 20, both measures relating to condominium property. In previous discussions, I have risen in opposition to this matter, but I want to thank the Chair of the Consumer Protection Committee who refined this measure so that I can now agree.

"Condominium associations have gotten so big and humongous in the last 10 years that I think they are now worthy of our attention. This measure affects hundreds of thousands of condominium owners and property owners. This measure will give them easier accessibility to information on how their dues are spent and how the associations spend those monies. And again, I want to thank the Committees that had something to do with this. 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. 1348, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Final Reading by a vote of 50 ayes and, with Representative Souki being excused.

At 1:58 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1872, HD 1, CD 1
 S.B. No. 1427, SD 1, HD 2, CD 1
 S.B. No. 1877, HD 1, CD 1
 S.B. No. 956, SD 1, HD 1, CD 1
 S.B. No. 1798, HD 1, CD 1
 S.B. No. 1778, SD 2, HD 1, CD 1
 S.B. No. 1348, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 31 and S.B. No. 117, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 117, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in strong support of this measure and ask permission to enter written comments into the Journal. I just wanted to say this measure will help to meet the workforce housing needs on the island of Maui, especially in Ka'anapali. Thank you."

Representative Kahikina's written remarks are as follows:

"The purpose of this measure is to provide express statutory authority for the Housing and Community Development Corporation of Hawaii (HCDCH) to amend, delete, restate, and modify the contracts, conditions, and plans for housing projects previously executed by HCDCH's predecessor agency the Housing Finance and Development Corporation (HFDC).

"In addition, this measure authorizes the establishment of affordable housing requirements for certain undeveloped parcels in Puukolii Village by agreement between the project's developer, the Housing and Community Development Corporation of Hawaii (HCDCH), and the appropriate Maui County housing agency.

"Under the measure, the affordable housing requirements established by the parties must include a requirement for housing affordable to households earning up to one hundred twenty percent (120%) of the county median income.

"Act 350, Session Laws of Hawaii 1997 (Act 350) consolidated HFDC, the Hawaii Housing Authority, and the Rental Housing Trust Fund Commission into a single agency, the HCDCH.

"In consolidating the agencies, Act 350 also transferred their jurisdiction and authority, functions, powers, and duties to the newly created agency and all permits, deeds, leases, loans, contracts, and other agreements executed by the consolidated agencies remain in full force and effect.

"This measure further clarifies that HCDCH succeeded to the rights and obligations of the subsumed agencies by expressly establishing HCDCH's authority to amend housing project agreements executed between HFDC and developers.

"This measure is necessary to add a degree of certainty and clarification of the processing of housing projects initiated by HCDCH's predecessor the HFDC that both HCDCH and potential developers would like to be certain before investing much time and money into a project.

"For these reasons, I urge my colleagues to support this worthy measure."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 32 and S.B. No. 1883, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1883, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in strong support of the *kupuna* of Miloli'i. Thank you."

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

"Thank you, Mr. Speaker. In strong support and I'd like to add the Representative's words as my own into the Journal. I would also say that Miloli'i is one of the last traditional fishing villages that we've got, so it's really a great thing that we're doing. Thank you."

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:

"I rise in support. The purpose of this measure is to ensure sustainable stocks of near-shore fish for the Miloli'i community in South Kona. Specifically, this measure designates the Miloli'i fisheries management area in South Kona as a community-based subsistence fishing area to preserve and maintain the area's legacy as a traditional Hawaiian fishing village.

"The preservation and maintenance of traditional native Hawaiian fishing areas are essential to the preservation of traditional Hawaiian fishing practices and traditions. I would strongly support the expansion of this program to safeguard the preservation and maintenance of fishing reserves on the Waianae Coast on the island of Oahu.

"I urge my colleagues to support this worthy measure."

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 Conference Committee Report No. 32, Relating to Miloli'i Fisheries Management Area.

"Although I am not the Representative from this area, I do represent a district where the community practices traditional, community-based subsistence fishing area management, and work hard to ensure the long-term sustainability of near-shore marine fish populations and the survival of the community's culture, well being, and way of life.

"Miloli'i is an example of a community where they have retained its identity as a traditional Hawaiian Village. This place is one of the last living treasures. A real Hawaiian fishing village.

"The community of Miloli'i is dependent on the catch of near-shore fish, mostly to survive and provide for their nutritional needs. However, the community is concerned about the decline in marine resources, primarily because of the over-harvesting that has taken place.

"This measure will provide the community the opportunity to ensure the long-term sustainable population of fish and other marine species, and encourage the scientific study and understanding of subsistence.

"Perhaps, as the Miloli'i community seeks solutions and create their strategies to fulfill the goal of long-term sustainability of marine resources, we should look at how the State as a whole can implement these strategies in the Hawaii Sustainability Plan to achieve long term sustainability of marine resources throughout the State. I look forward to the day that Hawaii becomes a natural resource sustainable State, just as my ancestors had once lived."

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

"Mr. Speaker, in support with brief comments. On measures like this, there are sometimes some concerns that people in that area will be territorial, as it happened elsewhere. We have been positively assured that that is not the case, and all people from the island of Hawaii and throughout the State will be welcome to fish at that community. 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. 1883, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING

TO MILOLI'I FISHERIES MANAGEMENT AREA," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 33 and S.B. No. 1891, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1891, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Ching, Pine and Thielen voting no.

Conf. Com. Rep. No. 34 and S.B. No. 797, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 35 and S.B. No. 1473, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1473, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition to Conference Committee Report No. 35, Relating to Waimano Ridge. Mr. Speaker, there are several allegations in section 1 of this bill that are false. On page 2, lines 5 to 7, it says the Legislature appropriated money in 2001, to move the juvenile sex offender treatment center. In fact, no money was appropriated in the Department of Health's budget in 2001 to move the facility.

"On page 2, lines 10 to 12, section 1 says that in 2003, the Department announced that it planned on expanding the juvenile sex offender treatment center, using it as a drug treatment center. The fact is that the Department has never planned, nor announced that it would expand the juvenile sex offender treatment center to be used as a drug treatment center.

"Page 2, lines 19 to 21, area residents were led to believe that the lab was to be used primarily to test water and food samples. The Department says it has seen no documentation or evidence of this accusation. In fact, all of the Department's documentation demonstrates that this would be a Level 3 lab. It would perform all the usual microbiological environmental tests that public health labs regularly perform.

"On page 3, lines 3-7, the section 1 of the bill says, the Waimano community has not been briefed by the Department of Health on the safety protocols it is utilizing to safeguard the health and safety of the surrounding community. Nor has the department been forthcoming in exactly what it is testing in its laboratory.

"In fact, former lab administrator, Dr. Vernon Miyamoto gave more than one presentation to the community. Most recently on April 14, 2005, acting administrator Dr. David Horio gave a presentation and a tour to Representatives. And

I'm just quoting, so I'm going to read their names. Representatives Takai, Takumi, Senator Ige, their various staff and Pearl City Neighborhood Board vice chair Sheila Fukuda.

"Also, we have the allegations the Legislature finds these potentially dangerous activities place the children at risk and that these concerns have gone unheeded by the Department. The Department says, actually having a BSL category 3 lab would make it even safer than it already is. There has never been a community-acquired disease from a BSL-3 laboratory accident. In many cities the BSL-3 labs are sited right in the middle of downtown.

"Mr. Speaker, it should also be noted that the Attorney General has testified on a similar bill, H.B. 1141, SD 1, that it was unconstitutional because it violated Article XI, Section 5 of the State Constitution by enacting a non-general law over a specific piece of land. That same danger applies to this bill. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, I appreciate the comments made by the previous speaker, but I would like to note that the comments are related to Section 1 in the findings section.

"In fact, during this Legislative Session, I don't recall any testimony coming from the Department of Health or anyone in the Administration citing specific sections of this bill as it relates to the concerns brought up by the Minority Leader.

"The fact remains, Mr. Speaker, that many of the concerns outlined in Section 1 of the bill just touch the surface of the concerns raised in our community. I don't want to go into too much detail, to provide too much detail to the Members of our Body, but I did want to note that if you take a look at the bill, pages 5 and the top of page 6 creates in HRS a new section. And basically what it does is that it requires the Department of Health to provide notice to the affected communities, mainly in this case, Pearl City, and also Neighborhood Boards and their district legislators.

"And as you know, Mr. Speaker, we've been very concerned over the past 6 years maybe, about some of the uses now being supported and approved at the Waimano Ridge property. One of which, in fact, we just found out just a few weeks ago, at the top of Waimano, at that briefing, at the laboratory. We were told as a community when it was first created maybe about 15 to 20 years ago, that that laboratory was going to be a Level-2 lab. The day before Christmas, last year, we read in *The Advertiser* that the State, along with the University of Hawaii and possibly the military, are proposing a Level-3 lab. That was a surprise to all of us in our community. No one came and provided that information to any of the legislators in our area, in Pearl City.

"We were told subsequent to that newspaper article, that there were no efforts being made to entertain a Level-3 lab at that particular site. At that briefing just a few days ago, we were told very clearly by the Department of Health that the Department of Health still intends to possibly consider Waimano Home for the Level-3 lab. Again, that was a big surprise to the community, to the Neighborhood Board and to legislators.

"What this bill does is basically gives the community a chance to at least know what's going to go up there, provides a requirement of I believe, 60 days. I'm sorry, 90 days notification, prior to any approval.

"And then, the other thing that it provides, which is now supported by the Department of Health, it provides a revision to the master plan. The current master plan for the facility, at the top of Pearl City, does not include the uses that are currently being done up there.

"The last thing I'd like to mention, Mr. Speaker, is we've worked very hard on this bill. I think, aside from maybe some of the comments raised by the previous speaker, the main guts, the actual changes to statute, are going to help our community. And I would like to at this time take the opportunity to thank the Chairman of the Water and Land Committee for doing such a great job on this measure. 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Fox, Halford, Meyer and Moses voting no.

Conf. Com. Rep. No. 36 and S.B. No. 702, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 37 and S.B. No. 1721, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1721, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On this CCR No. 37, S.B. 1721, this is relating to the State cultural public market and this is the last bill on this page. Mr. Speaker, if I may, I just briefly want to thank the Chair of EDB and District 5 in Ka'u, and the Conference Committee Chair from District 9 in Wailuku, and the Leadership for addressing some of the concerns of this measure.

"I would just like to point out, that based on the opinion given to us by the Attorney General's Office, there was a concern about the RFP process that's been going on. And so we addressed it and it is consistent with the statement in the Committee Report, that this is not going to affect the process. And in light of that, we have made the effective date rather than July 1st, October 1st because we were informed by the Director of HCDA, that the selection of the bidder and the development of the 36.5 acres in Kaka'ako will be done by August or September. So, we just want to make sure that this is not going to affect the process.

"And we also, Mr. Speaker, eliminated the application portion and the word 'permanent'. So, everything that we believe is going to be a concern to many of our colleagues and the people involved, we tried to address and this is indeed a collaboration of many of the stake holders. So, thank you for the support also, Mr. Speaker, and especially the Chair of EDB. Than you."

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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE CULTURAL PUBLIC MARKET," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Fox and Moses voting no.

At 2:11 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 117, HD 2, CD 1
 S.B. No. 1883, SD 2, HD 1, CD 1
 S.B. No. 1891, SD 2, HD 2, CD 1
 S.B. No. 797, SD 1, HD 1, CD 1
 S.B. No. 1473, SD 1, HD 1, CD 1
 S.B. No. 702, SD 2, HD 1, CD 1
 S.B. No. 1721, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 38 and S.B. No. 556, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, and the report of the Committee was adopted and S.B. No. 556, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 39 and S.B. No. 1796, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1796, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition of Conference Committee Report No. 39. Mr. Speaker, we were not sure of the latest status of this bill. We checked with the City Prosecutor yesterday. He is strongly opposed to the passage of this measure. There was a possibility of this bill would apply to non-violent offenders. In its current form, it applies to violent offenders and by expunging the record of a violent offender, it enables the person who expunges the record to reduce their potential time under multiple offense charges. The City Prosecutor strongly urges that we defeat this bill. Thank you."

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

"Thank you, Mr. Speaker, in opposition. I spoke on this measure on Second Reading and Third Reading and I'm going to repeat some of that. I said that this did not make sense before, and it still doesn't make any sense. Section 1, sentence 2 still says, 'any person granted an expungement of a first time drug offense shall not be eligible for another expungement under this provision.' As already explained, Mr. Speaker, if the record of a person's first time drug offense is expunged, then by definition there is no available record of the first time drug offense occurring. It's illogical.

"Imagine someone's record of drug offense expunged because that's what this bill is all about. That means there would be no record of his first drug offense. Then the Legislature comes along and says, if the record of someone's first drug arrest is expunged, the record of the second drug arrest cannot be expunged. But how would we know whether this is his first or second drug arrest once the record of his first

drug arrest has been expunged and becomes unavailable to the proper authorities.

"I know the argument, Mr. Speaker, because I heard it at Third Reading. At which time the Judiciary Chair said, that when records are expunged it's not just completely thrown away. What happens is that 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 can even remember it. That was a quote, Mr. Speaker. If that's true, then that contradicts the very definition of expungement.

"If we still keep a record of someone's first drug offense when we say it has been expunged, then that defeats the very purpose of the expungement. Either all of the important information about a person's arrest record should be available to our law enforcement officials, or it should not be. To say that a record of someone's first drug arrest is expunged, but we still have this on record, sealed up, to be used later, is to try to have it both ways. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. Going back to the concern of the Minority Leader. This amendment is to Act 161. Act 161 is clearly for first-time non-violent drug offenses. So it doesn't open the expungement for violent offenders. And that is not true.

"The second argument, which came from the Representative from Kapolei. As I have stated before, when records are expunged, as I said, it's not thrown away. Mr. Speaker, any person previously granted an expungement of a first-time drug offense shall not be eligible for another expungement under this provision. This language was at the request of both the Prosecutor's Office and it was agreed to by other law enforcement personnel that were at the hearing. They seemed to understand this perfectly that when things are expunged, it's not completely erased from the record, and it seemed like they understood it perfectly. And so, I'm not sure what the problem is.

"This seems like the Representative from Kapolei may need to talk to the Prosecutor's Office and the law enforcement members, and I'll get him in touch with the people who requested this language to ensure that the expungement is for one time only. And maybe I can do that for him, to clarify some misunderstanding that he seems to have. Thank you."

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

"In support, Mr. Speaker. First I would like to request that the words of the prior speaker be entered into the Journal as my own. This is a good bill, Mr. Speaker. This corrects an unintentional omission of individuals who are not able to use a law enacted in 2002, to expunge their records.

"I know this applies to one particular individual, but it should apply to a lot more individuals in the same situation as well. I guess I can name the person. His name is Mr. Ulep. Mr. Ulep has had an infraction in the law, which puts a mark on his record. But for so many years since he served his time that was required by our Judicial system, he has since changed to a good person, good citizen, doesn't get in trouble.

"And you know, because there are federal laws that interact with our laws in Hawaii, sometimes there are these situations. Where like in Mr. Ulep's case, this guy now an ideal citizen, good father, good family person. All of a sudden he's going to get shipped out to the Philippines or a country of his choice

where he will probably not know that many people, or face an uncertain future or what not. This is a bill of compassion and I think it makes a lot of sense that it can apply to Mr. Ulep and can apply to a lot of people.

"Now, we're saying, this worry about, this blame regarding this word expungement and thing like that, it's kind of silly. And I'm not an expert in the English language, Mr. Speaker, but I know how it would work in a court. All it would mean is that as soon as it is sealed, that requiring it's expunged from this person's record, it doesn't disappear from the face of the earth. It just means that other agencies will not be able to access that and say and take it into consideration in future proceedings.

"So, it's really, the arguments aimed at how you expunge it, and the next time it comes forward, that will never, never happen. It will never happen in Kapolei either, in the new courthouse we're going to build."

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

"Mr. Speaker, on this same measure, I am in strong support and if I may also adopt the words of the Representatives from Districts 26 and 35 as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I'm speaking in opposition. I have some concerns in regards to some of the other opposition that has been voiced so far on the Floor. But I go back to the original purpose of this in regards to non-violent drug offenses. And you know, it's so interesting because a couple of nights ago I had my purse stolen. And I had all my credit cards and ID and everything, and somebody stole it from my carport. And I ended up being in such a flustered state because it happened overnight, around 3:30 to 4:00 a.m. in the morning. And I'm not sure but because of the percentages of these kinds of offenses that happen because of drugs, it makes me concerned because even though something is non-violent, it doesn't mean that it's non-harmful.

"I've changed my activity. Last night I wanted to go to sleep. I couldn't go to sleep because we had a big day today so I left some of my things in my car. I wanted to go out to the carport 3:00 a.m. in the morning, and I ended up deciding not to be cause I was concerned and afraid that somebody might be out there and in the middle of darkness that could harm me.

"In the future, I am going to be concerned about whether or not somebody's stealing my identity or using my credit cards. I mean, we change our activity based on situations that happen like this. And sometimes it maybe non-violent but it definitely is not necessarily non-harmful. I think that somewhere, we need to be conscious about that, as well that in three, four, five, ten years, am I going to feel that much better where I'm going to change my activity and pre-having my bags stolen? I don't know. Thank you."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. Briefly, still in opposition. S.B. 1796, CD 1, does not have the phrase 'non-violent'. Thank you."

Representative Luke rose to respond, stating:

"Second time, thank you. S.B. 1100, CD 1, does have the phrase 'Chapter 329'. And it is supposed to go in accordance to Act 161.

"I just wanted to go back to one of the points raised about non-violent offenders. Mr. Speaker, the current law allows for a first-time non-violent offender to expunge their records. What this says is it allows for non-violent offenders who are convicted prior to July 1, 2002, to also allow them to expunge their records. Why should someone who is convicted after 2002 have the benefit of the current law, and someone who was convicted prior to 2002? It just seems like a fortuitous situation if you're convicted after 2002. And then, you're out of luck if you're a convicted prior to July 1, 2002. We're trying to set the policy that is even throughout all the convicted first-time non-violent drug offenders for everyone who is arrested prior to this date.

"In situations where, for instance, the Representative from Foster Village had her purse stolen. If the person was found a non-violent drug offender, I mean if that offense was from a first-time, non-violent drug offender, that situation doesn't have anything to do with this law. Because this law deals with somebody who was convicted prior to 2002. The law is already there, that that person's record would be expunged anyway if that person complies under Act 161. So that argument doesn't make any sense. 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. 1796, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Final Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 40 and S.B. No. 1100, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1100, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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:

"I am in support of this bill because I am convinced, through the examples of other states, that laws like these have made a difference in the war against ice. We all know the high cost to our State and our families' quality of life, both emotionally and financially when someone is addicted to ice."

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'm rising in strong support. With Hawaii's ice problem as large as it is, this measure should have been passed and signed into law years ago. It is no secret that pseudoephedrin is a key ingredient needed in the manufacturing of methamphetamine or "ice." I had hoped we would pass a stronger bill. One where persons would have to go to the pharmacist to purchase a product containing pseudoephedrin, the quantities would be limited and a record kept on the purchaser.

"The bill before us limits the purchase of products containing pseudoephedrin to no more than three packages or nine grams. The problem with this version is it would not stop people from

making multiple purchases from multiple stores to garner enough of the product they need to manufacture "ice." It makes it a lot harder but still makes it possible. We are moving in the right direction."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1100, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 41 and S.B. No. 118, SD 2, HD 2, CD 1:

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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 42 and S.B. No. 568, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 568, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in strong support. And I'd like the bulk of my remarks on the bill in the Journal, if it's okay with you. I do want to publicly acknowledge some people who helped us work on this measure, especially in light of the fact that we only had a day and a half to conference on it.

"Of course, my Co-Chair here, the Chair of the Consumer Protection Committee, and the Vice Chair of the Consumer Protection Committee and our counterparts in the Senate. Dr. Stan Kana and Dr. David Breeze and James Kobashigawa with the Board of Dental Examiners and also to Dr. Amanda Wilson, who is one of the prime movers needing to get the licensing for her specialty. So I just wanted to thank them publicly for their assistance in crafting a compromise on this measure. And the rest of my remarks will be for the Journal. Thank you, Mr. Speaker."

Representative Arakaki's written remarks are as follows:

"While general dentists opposed the bill's section on credentialing late in the legislative calendar, their alternative of forcing the Dental Board to hold two exams a year seemed like an unlikely answer to licensure by credentialing or reciprocity. It may not be possible to execute two examinations this year with such short notice and it isn't fair for the Dental Board, who will not be able to make the changes necessary for a summer exam. Previous State exams were flawed and provided grounds for lawsuits. But this legislation should serve to preclude any future lawsuits.

"On the applicant's end, it takes about 2 months to get all the paperwork and documents and queries ready for submission. There is also a sixty-day deadline on their end. For a July exam, you would have to be applying in March. Applicants are not going to apply for an exam until they know it is really going to occur. All this is without mentioning the amount of effort preparing for an exam takes. It takes about 4 to 6 months trying to find the right kind of patients and the right kind of fillings.

"The criteria for acceptance for State exams is so narrow. Due to some of the current restrictions, finding someone who is willing to waste a whole weekend being poked and prodded at Pearl Harbor who also happens to have the exact kind and position of lesion that you need is like finding a needle in a haystack in Hawaii. You also need back-up patients because if for some reason the patient doesn't qualify that day (it happens to many people) you fail.

"Additionally, it takes about 60 days after the exam for the results to be mailed out. If an applicant takes an exam in July and fails, there isn't enough time to reapply for the December exam and get patients in time. It is great on paper, but there was a reason why exams in the past have been 6 months apart. It just isn't logistically possible to hold them so close together.

"The reason why there was so much opposition to SB 568 is because some general dentists have a provincial attitude about new dentists entering the market. They think, "All the licensed dentist in Hawaii had to go through it (multiple times), so why shouldn't the new ones?" So the dental exam in Hawaii is tantamount to a kind of fraternity hazing one has to go through to be able to work as a dentist in Hawaii. Those who have taken the California exam know that the Hawaii exam isn't even close in comparison to its level of organization, fairness and professionalism from the administrators.

"One can be the most prepared and organized person, and fail for a few technicalities. It really has nothing to do with being a good dentist. Many excellent dentists fail three or four times. The pass rate for first time applicants is around 25 to 30%. The overall pass-rate is higher, but that's because many of those people are on the 3rd or 4th try and they've learned the tricks to passing (which have nothing to do with being a good dentist). Other regional and state exams aren't like this. The thought of having to go through a state exam is extremely stressful. That is why licensure by credential is such an attractive alternative.

"The Dental Board feels that changes needed to be made to the State exam and they are right to toss it out and work on revisions. But can we be assured that the revisions can be made by a summer exam? It's not enough that the exam exists, but that the changes have been made and implemented. If they don't complete the necessary changes as outlined by the Attorney General made by July 15, then licensure by regional exams will be allowed.

"What is still boils down to is that all these dentists in Hawaii can still go to almost any state on the mainland and work through credentialing. We should offer the same courtesy to people from the other states. I think our dentists are being very selfish. For any state that offers reciprocity to our dentists, we should offer it back to their residents. The idea that a dentist practicing in another state should have to retake the exam after having worked for so many years is so absurd.

"The bill is a nice compromise that will keep all the applicants, general dentists, Hawaii Dental Association (HDA) and the Dental Board happy. It will also help to minimize or eliminate future litigation.

"Considering the little time we had to conference on the bill, it is an excellent compromise and all those involved in working on the bill should be congratulated."

Representative Chong 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 Chong's written remarks are as follows:

"Mr. Speaker, I am in support with reservations. I believe that licensure law must never stand still and must adapt to the needs of the consumer, business and profession in changing times. At the same time we must be careful in changing laws so that we do not place consumers in harms way. I understand that the profession as a whole is unclear and even divided, and thank the Representative from Chinatown for his leadership on this issue."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 568, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Caldwell voting no.

Conf. Com. Rep. No. 43 and S.B. No. 1285, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1285, SD 2, HD 1, CD 1, pass Final 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:

"I rise in support. The purpose of this measure is to promote, sanction and provide safeguards to traditional Hawaiian healing practices.

"This expands the practice to include all traditional Hawaiian healers, rather than only traditional native Hawaiian healer.

"It prohibits the Kupuna Council members from being sued in relation to their selection, convening, or certification process. It expands the practice to include all traditional Hawaiian healers, rather than only traditional native Hawaiian healers. It requires the Kupuna Councils to be separate and independent from the State.

"Hawaii has diverse people, cultures and traditions, and is a melting pot for a variety of traditional and modern healing practices. The preservation and protection of Hawaiian tradition and culture, including its healing practices, is a worthy consideration and needs to be accommodated by modern medicine and laws.

"I urge my colleagues to support this worthy measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1285, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 44 and S.B. No. 1660, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1660, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

At 2:27 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 556, SD 2, HD 2, CD 1
S.B. No. 1796, SD 1, HD 1, CD 1
S.B. No. 1100, SD 2, HD 1, CD 1
S.B. No. 118, SD 2, HD 2, CD 1
S.B. No. 568, SD 1, HD 2, CD 1
S.B. No. 1285, SD 2, HD 1, CD 1
S.B. No. 1660, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 45 and S.B. No. 1699, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 46 and S.B. No. 1702, SD 1, HD 2, CD 1:

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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 47 and S.B. No. 1362, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 48 and S.B. No. 1876, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1876, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, yesterday morning when I flew back to Honolulu I noticed that the Aloha Airlines in-flight magazine's cover story was about the Hana Road and I urge people to read it.

"There were also articles about driving the Windward Coast of Oahu, H-1, California's most scenic route and 395, one of California's most historic route with panoramic views. These articles were labeled 'great drives'. This bill will help to protect and enhance Hawaii's great drives directing the Department of Transportation to allow flexible highway designs to be considered when designing improvements on the following highways: Hana Highway along the coast of Maui; Hanalei Road along the coast of North Kauai; Hamakua - Honoka'a Heritage Corridor on the island of Hawaii; upper Kona Road on the island of Hawaii; and Ka'iwi Coastal Highway along the coast of east Oahu.

"Especially for these highways, the journey to these areas is as important as the final destination. This bill will help to enhance and preserve these special characteristics of the journey

that makes each of these highways a great drive. So I urge my colleagues to support this measure and I'd like to insert additional comments. Thank you."

Representative Morita's written remarks are as follows:

"Mr. Speaker. Yesterday morning when I flew back to Honolulu, I noticed that the Aloha Airlines inflight magazine cover story was about the Hana Road. There were also articles about driving the windward coast of Oahu, Highway One, California's most scenic route, and Route 395, one of California's most historic route with panoramic views. These articles were labeled "Great Drives".

"This bill will help to protect and enhance Hawaii's "great drives" – directing the DOT to allow flexible highway design to be considered when designing improvements on the following highways: Hana Highway along the east coast of Maui, Hanalei Road along the north coast of Kauai, the Hamakua-Honokaa Heritage Corridor on the island of Hawaii, the Upper Kona Road on the island of Hawaii and Ka Iwi coastal highway in East Oahu.

"Especially for these highways, the journey to these areas is as important as getting to the final destination. This bill will help to enhance and preserve the special characteristics of the journey that make each of these highways a "great drive".

"The first paragraph of the purpose clause describes Hawaii's rural communities as the heart and soul of the islands, reflecting the aloha spirit and natural beauty that are the essence of our State. Currently, the unique character of these special places are threatened because of the Department of Transportation's inflexibility in designing road projects utilizing context-sensitive solutions and design. Hopefully, this bill will foster the needed change in attitude within the Department of Transportation (DOT) by directing the DOT to adopt a broader range of accepted engineering principles rather than just conventional, urban standards to preserve the natural environment of an area, and to mitigate the environmental, scenic, aesthetic, historic, community and preservation impacts of a road or highway project.

"I would like to thank my colleagues, the Chair and Vice Chair of Transportation, the Chair and Vice Chair of Judiciary and the Finance Chair for their extraordinary efforts in helping to keep this measure alive. They all graciously allowed me to participate in the final review of this measure even though I was not a Conferee."

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

"Thank you, Mr. Speaker. Also, in strong support. I think this bill helps to preserve our unique sense of place and I'm very happy to be voting on this measure. I ask that the remainder of my comments be inserted in the Journal."

Representative Ching's written remarks are as follows:

"I rise in strong support of this bill which allows for flexibility in design for highways in our State. This flexibility in design is imperative to the preservation of the unique character of many of our most special communities. Preserving the unique character of our communities is also vital to our State's tourism industry."

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

"Thank you Mr. Speaker. I stand in strong support and ask that the comments of the two previous speaker's be as my own,

and if I could add additional comments into the Journal as well. Thank you," and the Chair "so ordered" (By reference only.)

Representative Carroll's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of Conference Committee Report No. 48, SB 1876, Relating to Highways.

"I want to thank the Transportation Chair, and all the Members of this Body who supported this measure.

"In my district, the Hana Belt Road has approximately 52 bridges. There are two bridges at this time that need repair.

"Despite the flexibility under the Federal Highway Administration, American Association of State Highway and Transportation Officials, and federal law, the Department of Transportation has been reluctant to develop and implement flexible design processes and guidelines that consider historical, scenic and environmental impacts in highway construction.

"This legislation would address these concerns by creating a process that will allow the community, government officials and all parties involved in the planning to weigh community values, practices, and environmental and social impacts with safety.

"Furthermore, this legislation will require the appropriate documentation of the process and reasoning leading to the flexible design decision.

"I am thrilled with this legislation because we will be able to move forward to improve and restore two historical bridges on the Hana Belt Road. 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:

"Mr. Speaker, I support this bill. I went to Arizona and traveled on the their highways. Although I was in the middle of a desert, the aesthetics brought on a much better feeling of care for the land. I believe that highway design can enhance, and in some cases, not obstruct the paradise of our islands for locals and tourists."

Representative Lee rose in support of the measure and asked that the remarks of Representative Morita 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 S.B. No. 1876, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 49 and S.B. No. 1267, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1267, SD 2, HD 2, CD 1, pass Final 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, I rise to speak in strong support of Conference Committee Report No. 49 and SB 1267, relating to shark monitoring along the Leeward Coast of Oahu.

"First, I wish to thank Conference Committee Co-Chairs Kanoho, Abinsay and Magaoay—and all of the Committee Chairs and members who helped moved this bill through the legislative process over the past few months. Their support is greatly appreciated.

"This bill is a positive response to a growing community concern over shark attacks. Specific incidents, as well as a very real fear engendered among those who use our ocean for both recreational and commercial purposes, have led to a widespread call for action. This is a concern not only for my constituents on the Wai'anae Coast, but also for a great number of Hawaii residents and visitors to our islands.

"Passage of this measure is a good first step toward gathering information that will help determine future action. Waters off the Leeward Coast will provide a good testing area for this pilot project, which will be undertaken collaboratively by DLNR and the Hawaii Institute for Marine Biology. The relatively small appropriation attached to this measure will go a long way to help accumulate scientific data and contribute to the safety of ocean activities.

"I urge my colleagues to join with me in voting "yes" on Senate Bill 1267. Mahalo!"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1267, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 50 and S.B. No. 116, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 116, SD 2, HD 2, CD 1, pass Final 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 this measure. This measure will establish a nursing scholarship program to help the School of Nursing satisfy the growing demand for nurses in the State. In particular, this measure will attract and assist nurses interested in furthering their nursing education by enrolling in masters and doctorate nursing education programs at the University of Hawaii. These holders of advanced degrees will then be able to train the next wave of much-needed nurses.

"We are all familiar with the chronic shortage of qualified nurses in our State. The projected shortage for 2005 is over 1,500 registered nurses, and is expected to exceed 2,200 by the year 2010. As the nursing career becomes ever more technically demanding, there is the additional challenge presented by a large cohort of nurses who have already retired or will soon retire from the profession. Creating and maintaining an adequate cadre of nurses is critical for public health in our State.

"This scholarship program will not be a frivolous use of tax dollars. There will be stringent requirements on the students to maintain adequate progress in their educational program. Furthermore, once the scholarship recipients complete their graduate education they will also be obligated to teach in the nursing field for a period of time equal to the number of years they received the scholarship. This is a fair exchange and I think it will be an excellent way to address our current crisis.

"The appropriation in the measure is modest this year, and I will seek additional general funds for this proposal in Sessions to come to allow the scholarship program a fair chance to demonstrate its effectiveness. The Health Care Association of Hawaii strongly supports this measure and with National Nurses Week set to begin later this week it would be an excellent way for the State to show support of their important work.

"I urge my colleagues to support this measure. Thank you."

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

"Mr. Speaker, in strong support and the only comment that I'd like to make is that we do have a significant shortage of nurses, and nurse that can train those nurses. So I'd like to see those two zeros to that bill some time in the future if we could, and find not zeros in front, but in back, to find \$2 million to help train those nurses. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in strong support and I would like the words of the Representative from the Big Island, West Hawaii, inserted as my words, and I would like to insert written comments as well," and the Chair "so ordered." (By reference only.)

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. We are all aware of the nursing shortage. We would like to train more nurses, but it is not possible without University faculty.

"The nursing profession has not made it lucrative for nurses to become instructors. Financing their graduate degrees will hopefully encourage them to do so. We are an aging population, including the nurses, so we need to do something, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker. Written comments in support as well. And just a short comment, that it took very tenacious Health Chair to get this through. Thank you."

The Chair responded, stating:

"Representative Arakaki, did you hear what Representative Finnegan said? You're very tenacious. Very, very tenacious on the Finance Committee."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of this bill. Sitting through Health Committee hearings, we heard bills concerning mandated overtime for nurses. This is a serious situation for public safety, but also very important to respecting and caring for our nurses. This bill is an effort to build our nurse

workforce and to try and help alleviate some of these effects from having a nurse shortage."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 116, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 51 and H.B. No. 295, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 295, HD 2, SD 2, CD 1, pass Final 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 strong support of House Bill 295, Relating to Professional and Vocational Licensing.

"Mr. Speaker, this measure entitled, "Deployed Military Personnel License Extension Act" is important because it will give our military members, including active duty, National Guard and Reserves peace of mind while deployed. As part of our Military Appreciation Package, this measure provides security for those members who hold second jobs or have a vocational trade or professional license that requires annual renewal.

"This measure extends the renewal period of vocational licenses for qualified active duty members by 120 days, after being discharged or released from active duty. This measure applies to a State or federal crisis. Furthermore, no burden is placed on the licensees, instead as long as the applicant renews his or her license within the 120 day period, no penalty is suffered.

"Mr. Speaker, your Conferees believe that this measure will help support the efforts of Hawaii's men and women in uniform who risk their lives to protect our State and nation. I urge Members to vote yes on this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 295, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," passed Final Reading by a vote of 51 ayes.

At 2:32 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1699, SD 1, HD 1, CD 1
 S.B. No. 1702, SD 1, HD 2, CD 1
 S.B. No. 1362, SD 1, HD 1, CD 1
 S.B. No. 1876, SD 2, HD 2, CD 1
 S.B. No. 1267, SD 2, HD 2, CD 1
 S.B. No. 116, SD 2, HD 2, CD 1
 H.B. No. 295, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 52 and H.B. No. 1320, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1320, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. If I could just make one brief remark. I would like to thank the Representative from Kona for bringing this situation up, and her district will be safer because of this bill. Thank you."

The Chair responded, stating:

"Representative Luke. The Representative from Kona – are you referring to Representative Green or Evans?"

Representative Luke responded, stating:

"Both. I can say both. Then I better change my remarks from 'her' to 'their.'"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1320, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY 911," passed Final Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

Conf. Com. Rep. No. 53 and H.B. No. 606, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 606, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR NET METERED RENEWABLE ENERGY SYSTEMS," passed Final Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

Conf. Com. Rep. No. 54 and H.B. No. 712, HD 2, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E.," passed Final Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

Conf. Com. Rep. No. 55 and H.B. No. 864, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 864, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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:

"Mr. Speaker, I rise in strong support of this measure and would like to acknowledge the work of The Outdoor Circle. Since 1912 The Outdoor Circle's mission is to preserve, protect and enhance Hawaii's scenic environment for future generations. In the 1920's, in keeping with its mission, The Outdoor Circle worked toward the removal of billboards on Oahu. In 1926 The Outdoor Circle purchased the last billboard company doing business in Hawaii and shut it down. And, in 1927 advocating for a cleaner, more beautiful Hawaii, The Outdoor Circle helped to pass legislation to rid the Territory of

Hawaii of billboards. Mr. Speaker, can you imagine what our Hawaii would look like without the foresight, perseverance and resolve of The Outdoor Circle?

"Mr. Speaker, in partnership with organizations like The Outdoor Circle, this bill reaffirms the Legislature's commitment to protect and preserve Hawaii's outstanding scenic vistas and natural beauty by prohibiting all off-site outdoor advertising.

"This bill closes any potential loophole in the law governing billboards and outdoor advertising by making it clear that county ordinances regulating billboards and outdoor advertising also apply to any advertising devices that are physically situated in the airspace or waters beyond the land borders of that county if those devices are visible from any public location within that county.

"Protecting Hawaii's world-renowned scenery is not only essential to protect and promote our visitor industry, but it is also important to promote the well-being of our residents. It has been documented that scenic natural vistas promote a sense of happiness, health, and well-being, and that natural scenery increases commercial and residential property values. Because outdoor advertising is inherently distracting, a prohibition on outdoor advertising also promotes traffic and pedestrian safety as well as the safety of those engaging in water activities in our beaches and coastal areas.

"According to the Corporation Counsel of the City & County of Honolulu, this bill would address a potential loophole that had been raised in the case of *Center for Bio-Ethical Reform, Inc. v. City and County of Honolulu*, which is now on appeal to the U.S. Court of Appeals for the Ninth Circuit. The plaintiffs had argued that Honolulu's ordinance prohibiting aerial advertising could not be enforced against a tow-banner aircraft that, for example, departed from Molokai and remained over the ocean waters while displaying its banner to beachgoers in Waikiki. Although the Corporation Counsel believed that the plaintiff's argument would ultimately be unsuccessful, this bill should eliminate any ambiguity as to the Legislature's desire to preserve and protect Hawaii's scenic natural vistas and enhance the health, safety and welfare of Hawaii's residents, visitors and for future generations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 864, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Final Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

Conf. Com. Rep. No. 56 and H.B. No. 1555, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1555, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. Very briefly, we have a shortage of educational opportunities in West Hawaii, so I do appreciate the passage of this bill. 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. 1555, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HUALALAI ACADEMY," passed Final

Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

Conf. Com. Rep. No. 57 and H.B. No. 843, HD 1, SD 1, CD 1:

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

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

"Thank you, Mr. Speaker. I'm in support of this measure, Mr. Speaker. However, I would have liked to have seen something else be addressed in it. The bill does say, 'allow the DOE to be more cost efficient in providing nutritional meals to students at a reasonable price.' Mr. Speaker, we had an opportunity with this measure to address the rising crisis of obesity in our young people. And we could have given a policy statement to DOE to say those meals must be nutritious, and they must take into account the fact that we do not want to continue with this obesity crisis. We dropped the ball on this and I hope we can pick it up next Session.

"Mr. Speaker, may I have the balance of my remarks be placed into the Journal? Thank you," and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 84, HD 1, SD 1, CD 1. However, I am disappointed that this bill and this Legislature has not done anything about the continued problem of childhood obesity. In its report on the passing of this bill, Senate Standing Committee Report 1502 states the bill would allow the DOE to "be more cost efficient in providing nutritional meals to students at a reasonable price." Mr. Speaker, this bill only deals with the price of the food, not its nutritional value.

"The number of overweight children in Hawaii has doubled in the past thirty years. This is a particular problem because childhood obesity is an important predictor of adult obesity, which is associated with hypertension, diabetes and heart disease. In the future, this will cost the State's economy in terms of lost work hours resulting from these illnesses. There were a number of bills this Session relating to school nutrition standards and physical activity, yet none of them went anywhere. I would hope in the future that this Legislature takes this problem seriously and passes legislation to deal with this emerging crisis."

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," passed Final Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

Conf. Com. Rep. No. 58 and H.B. No. 1550, HD 1, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," passed Final Reading by a vote of 50 ayes and, with Representative Cabanilla being excused.

At 2:35 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1320, HD 1, SD 1, CD 1
 H.B. No. 606, HD 1, SD 2, CD 1
 H.B. No. 712, HD 2, SD 2, CD 1
 H.B. No. 864, SD 1, CD 1
 H.B. No. 1555, HD 1, SD 1, CD 1
 H.B. No. 843, HD 1, SD 1, CD 1
 H.B. No. 1550, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 59 and H.B. No. 150, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 150, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm in favor of this measure and I would ask that my remarks congratulating MADD for saving several lives in our State in the past 20 years be inserted in the Journal," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"The graduated licensing law will save the lives of many of our young people. Perhaps inconvenient, but not as inconvenient as to stop everything to bury a child.

"According to the Keiki Injury Prevention Coalition, 53% of deaths among 15 to 19 year-olds between 1999 and 2003 in Hawaii were due to motor vehicle collisions. Apparently 43% percent of fatal teen crashes occur between the hours of 11 p.m. and 5 a.m. Although driving teenagers around at night may be a hassle for parents, preventing the loss of a son or daughter is worth the sacrifice.

"The Hawaii Department of Transportation reports that in 2002 there were 1,124 crashes involving teens 15 to 18 years-old. The Insurance Institute for Highway Safety tells us that in states that have a GDL program, teen driver crashes have been reduced by 10 to 30%. This is very significant. Fewer injuries and deaths also mean lower medical costs.

"Thank you to Mothers Against Drunk Driving for their legislative efforts in preventing many tragedies. Congratulations for 20 years of making Hawaii's highways safer, for reducing the carnage on our roads, for preventing much pain and suffering among our families.

"MADD has changed the mentality of how we think of drunk driving. It is no longer socially acceptable to drink excessively and drive irresponsibly. There is a new phrase – designated driver. Non-alcoholic beverages are OK to drink. Coffee houses are now as common as bars and taverns. The public, the courts, law enforcement and the media now realize that drunk drivers maim and kill.

"As a result, we now have more stringent penalties for DUI offenses. We have a standard for blood alcohol limit. We are now able to collect this information by police and in emergency rooms.

"With this GDL law, parents will exercise greater control over their sons and daughters. Young people will better understand the privilege and responsibility that driving entails.

"Mahalo to MADD for saving lives and making for a happier Hawaii."

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

"With reservations, Mr. Speaker. My reservation is merely to state that I would prefer the assurance of safety in our streets and our highways, not by looking at the age of our drivers, but rather the skill and training. I think you could go to that standard then we wouldn't be legislating something across the board because everyone is born differently, we grow up differently in such a way so that they come to this particular age. Some people can be a lot more mature and more prepared for the road than others. I just voice my reservations."

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

"Thank you very much, Mr. Speaker, with reservations. No, I'm only kidding, Mr. Speaker. I am in very strong support. I believe this bill is probably one of the highlights of this Legislative Session in regards to the kind of impact that it's going to make. And it could be some positive and negative. I'm sure there will be a lot parents who will not be happy. They'll have to drive their children around at times, especially in the evenings. This bill provides a lot of safeguards for the community. It will make the streets and highways a lot safer.

"It's a three-step process. You need to get your beginner's license first. Then after that you'll go into the provisional license where you can drive during the day all that you want. In the evening, if you work, you can drive at night, to and from as long as you have the approval from your working place and from your parents. You can also go to school events in the evening as long as you have the approval of the teacher and the parent. And of course, in the evening you need to have someone 18 years old or older.

"So, it's not as restrictive as a lot of people think. It's a lot of safeguard for the community, a lot of safeguard for the young person. In the end, the whole community will benefit by this good legislation. Thank you very much, 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 have some concerns about this graduated driver licensing law for teenagers. I believe the bill will create a burden for parents in rural areas, especially the Neighbor Islands.

"Under a provisional license, teenagers will not be allowed to have more than one passenger in the car with them between the hours of 5:01 a.m. and 10:59 p.m. If they work or attend high school sports activities and they must drive after 11:00 p.m., they cannot have any passengers in their car. I believe an unintended consequence of this law will be more cars on the road because students will not be able to carpool to sports events and dances unless a parent of the teenager is in the car.

"I realize that data shows that teenagers are involved in a disproportionate number of accidents. This bill will sunset in January of 2011. Over the five years these provisional licenses are in effect, the Department of Transportation and the Department of Health will compile traffic accident data to determine the effectiveness of this new graduated driver's licensing program. Time will tell."

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

"Thank you, Mr. Speaker. I just want to say that this is one of the priority items of the Keiki Caucus and it isn't just supported by parents. This is also supported by young people as well, because they're concerned about their safety as well. I urge everybody to vote for 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. 150, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 60 and H.B. No. 1238, HD 1, SD 2, CD 1:

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, SD 2, CD 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 Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 61 and H.B. No. 769, HD 3, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 62 and H.B. No. 162, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 162, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"I would like to stand in support and make some brief comments on H.B. 162. Thank you, Mr. Speaker. This is a pro-small business measure requiring the State Procurement Policy Board to adopt rules and promote economic growth and development, Mr. Speaker.

"This bill will develop rules that will help them become successful in acquiring State and county contracts. The result would create incentives for large businesses to use small sub-contractors. This goal would be to develop a performance environment that would stimulate a balanced economic strategy, Mr. Speaker.

"This goal could encourage strategic intelligence analysis, determining capability gaps, promote market communication and the reduction of public and private inefficiencies. Please support the bill. Thank you."

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

"Thank you, Mr. Speaker. On this measure, I am standing in strong support. I'd like the words of the Representative from Mililani entered into the Journal as my own. This is a very good measure because Hawaii has a lot of small businesses that we need to take care of. They are the 'bread and butter' of our State of Hawaii. Thank you."

Representative Chong 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 Yamashita 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.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 162, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 63 and H.B. No. 1657, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1657, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Brief comments in support. Mr. Speaker, depending on the future that lies ahead, I think we could play a small part of history in this bill. This company will provide clean and efficient energy, and alternative sources of energy, rather than just relying on just fossil fuels. So, I think this could be very historical and turn, I think, the tide of how energy will be used. 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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST HOKU SCIENTIFIC," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 64 and H.B. No. 502, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 502, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES REQUIRING IMPOSITION OF INCREASED PENALTIES FOR SUBSEQUENT OFFENSES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 65 and H.B. No. 551, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 551, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Final Reading by a vote of 51 ayes.

At 2:42 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 150, HD 2, SD 2, CD 1
 H.B. No. 1238, HD 1, SD 2, CD 1
 H.B. No. 769, HD 3, SD 2, CD 1
 H.B. No. 162, HD 2, SD 1, CD 1
 H.B. No. 1657, HD 1, SD 1, CD 1
 H.B. No. 502, HD 1, SD 2, CD 1
 H.B. No. 551, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 66 and H.B. No. 553, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 553, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 67 and H.B. No. 1709, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1709, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, briefly, I would like to thank the Vice Chair of Judiciary, the Majority Floor Leader who has worked with his colleagues. And I just wanted to thank the colleagues, who worked during the interim while we were all out doing other things. They worked hard with the community to bring this bill to this stage.

"This specifically goes towards attacking the graffiti problems in all neighborhoods. Graffiti is a major problem. Both the City and County of Honolulu and the DOT spend thousands and thousands of dollars fixing the tagging marks and the graffiti that are left on our signs and sidewalks.

"And specifically, again, I just wanted to thank the Vice Chair, I wanted to thank the Representative from Foster Village, the Representative from Pearl City, the three people from the Pearl City/Aiea area, and the Vice Chair of Tourism. Thank you very much."

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

"Thank you. Written comments in support. This was a very important bill to our communities out in Pearl City and Aiea. Thank you."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of this bill. We have seen a bombardment of graffiti that really down grades the community and takes a psychological toll on community members. We are moving in the right direction to try to give additional tools to law enforcement. These 'taggers' are not easy to catch. Most likely if they were caught tagging, it wasn't their first time. This is not the end of the battle against graffiti. It will take commitment from our communities and government to make significant changes. I am grateful to our Aiea area legislators who are putting in a lot of effort to address the graffiti problem."

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

"Thank you, Mr. Speaker. Mr. Speaker, this is a different bill. The CD 1 is really a different bill from what 1709 was, as introduced. So, I think I can support this measure, Mr. Speaker.

"When it was first introduced, it was very draconian in its nature. It allowed for a felony when there was a conviction for repeated violations of criminal property damage in the 4th degree, which basically means when you toilet paper someone's house. Or you know, those are the little things you do. You flat someone's tires, or what not, and you go to jail for 5 years for that. I think that was uncalled for. It was really for graffiti as the proponents of the bill have stated that purpose of this particular measure is to be. I would prefer that it should a bit more focused. I do believe that the bill can still be improved if you want to attack graffiti.

"We just recently participated in a graffiti paint-out in Waipahu. And about a week later, you know, the same old tags are there. I'd like to see a measure that is an anti-tag measure that will be a felony instead of a general property damage bill that will actually convict individuals and be called 'prankster offenses', which are serious by the way. Toilet papering someone's house and trees is serious, but it does not go down to the level whether you want to put these individuals in jail for 5 years. So, with the amendments made inserted in the way it's presented in CD 1, Mr. Speaker, I can support it. Thank you."

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

"In support, Mr. Speaker. I would just like to thank the Committees that converted this into a product that I can now support. I know I spoke against it at earlier times, but it's now a beautiful product and thank you everybody for it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1709, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 68 and H.B. No. 125, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 125, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On behalf of over a thousand Hawaiian outrigger canoe paddlers across the State, I'd like to thank Chairman Kanoho, his Vice Chair and his staff, for their help with this very important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 125, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 69 and H.B. No. 1295, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1295, HD 2, SD 2,

CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support. This bill had its genesis in an incident that I think we're all familiar, at King Intermediate, a school in my district, where students were exposed to asbestos while a repair maintenance project was ongoing at the school.

"And really, what this bill does in the end, is to ensure that this doesn't happen again to anybody. I'd like to thank the Chair of the Education Committee for working hard. It's gone through a lot of different drafts. And this mandates that the Department of Education do exterior testing prior to doing repair maintenance and this is something worthwhile to protect, not just for my school but all the schools in the State. 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, I rise in support of this measure. The recent events at King Intermediate in Kaneohe frightened parents, children, teachers and people of this State. News reports indicated that children and teachers alike felt nauseated after construction began on the removal of asbestos from surrounding buildings. Teachers, students and staff were exposed to the dust, and in order to avoid situations like these, this measure ensures that the Department of Education will take proper steps in protecting the health and safety of our children.

"I applaud the work of my fellow colleague from Kaneohe and Maunawili, Representative Chong for his efforts in bringing this issue to the forefront this legislative session. For these reasons, I urge support of 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. 1295, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Final Reading by a vote of 51 ayes.

At 2:48 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:54 o'clock p.m. with Vice Speaker Takai presiding.

Conf. Com. Rep. No. 70 and H.B. No. 332, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 332, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition. Thank you, Mr. Speaker. I rise in opposition to HB 332, HD 1, SD 2, CD 1, which requires signage near the display of previously frozen and thawed baked goods being offered for sale. Sounds funny, Mr. Speaker, but that's what this bill does. It also requires suppliers and distributors to provide retailers with a listing of all baked goods that have been previously frozen and thawed. Mr. Speaker, this measure is not only unneeded, it's silly.

"According to the FDA, the United States maintains one of the world's safest food supplies through an inter-locking monitoring system that watches over food production and distribution at every level locally, statewide and nationally. There is no health hazard connected with frozen bread. This measure is too broad and it places Hawaii in a position of trying to dictate how products involve in interstate commerce are labeled. If a product is not labeled as fresh, and it was in a frozen state when it was shipped to Hawaii, there is no deceptive practice being conducted.

"This bill is not designed to protect Hawaii's consumers. It is a chilling attempt to create a monopoly to freeze our competition and raise the cost of living for the people of Hawaii.

"Mr. Speaker, I really believe we should rename this bill and call it, "Bakers' icing on the cake bill". Thank you."

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

"Thank you, Mr. Speaker, in strong support. I'm going to have to say, Mr. Speaker, I was at a disadvantage at Conference because I was facing a Baker on the other side. Nevertheless, this bill entered several transformations from the time we first heard it in the Health Committee.

"Fortunately, the adversaries on this measure weren't frozen in their positions, so we were able to come up with a compromise. And basically ... sorry. It's really to inform to consumers. You know, because even myself, I didn't realize that some of our baked goods do come from the mainland and they are flash frozen and then thawed again before being sold.

"But like I said, I think all the parties, including the ones who do bring in their baked goods from the mainland agreed that this would be good for consumer information. So, I'm glad we were able to come up with a compromise. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. While the Department of Health does not consider frozen and defrosted bakery products as any kind of health threat, the Food and Drug Branch's inspectors would be given this additional job to make sure that proper signage is in place at all stores selling products that fall under this bill.

"The average inspection time for a full-sized super market is approximately 3 hours. If this bill passes, the Department estimates it would take an additional 30 minutes to complete their inspection."

"According to statistics, several thousand varieties of bakery products are sold daily in Hawaii. Approximately 63,000 units of bread sales are sold alone daily. With the addition of other bakery products that are previously frozen and then sold thawed, the Department faces monitoring as many as a 100 million units of bakery products annually.

"Currently the Department of Health inspects 87 full-sized supermarkets twice a year, and 874 smaller retail markets once a year. With a staff of only 8 inspectors statewide, collectively they may spend 600 additional hours per year checking signage for previously frozen bakery goods.

"It appears that this bill seeks to protect certain Hawaii food processing companies and employees from mainland

competition. The one thing it will surely do is place a significant burden on the Food and Drug Branch staff with the Department of Health. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I rise in support, no pun intended, for this bill. Mr. Speaker, I do think it's a little ... What's the phrase? It's a bit of a stretch to say that inspectors have to worry about 100 million units. We're talking about dozens of brands. We don't expect the Health Department to go and inspect every Ho-Ho, Ding-Dong, and Twinkie in every single store of the State to be sure that they were not previously frozen and to make sure that they're labeled properly

"This bill is for consumer awareness and education. No one has ever asserted that there's degradation in the quality from a health point of view, on previously frozen and thawed products. But it's for consumer awareness. For example, Mr. Speaker, we say that mainland milk and eggs have to be labeled. As far as I know, the quality of mainland milk and eggs, and chicken and all the rest of it is really equal in terms of quality for consumers. But that's for consumers to make up their own minds about, and that's why they are labeled as such.

"I think if any of you who go to buy *poke*, similarly it's the same thing, that they label it whether it was previously frozen or not. Consumers then make up their own minds whether or not they want to purchase that product. That is the whole intent of this. And again, all joking aside, no matter how you slice it this is something I think, we should go forward on. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm speaking in favor. I just learned from a previous speaker that this is to protect somebody. I didn't really know what the purpose is for this bill was. But, if it's to protect local industry, I'm for it. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. I actually voted yes on this bill and it wasn't until I heard the DOH part and inspecting that I had some slight reservations. But I ask everybody to vote for this bill because it was extremely difficult to hear those jokes in Conference Committee. Thank you."

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

"Thank you, Mr. Speaker. I rise in support with reservations. And I will put the balance of my remarks in the Journal. But I just wanted to bring up the concern of a precedent. When will we stop, you know, labeling everything? Thank you."

Representative Ching's written remarks are as follows:

"I rise in support as appropriate labeling will help to prevent the consumer from being misled by the physical appearance of any uncooked thawed foods which may resemble fresh food. However, we must be careful that labeling such as this does not lead to overregulation of industries, and unneeded costs to businesses and ultimately the consumer."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 332, HD 1,

SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FROZEN FOOD PRODUCTS," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Fox, Marumoto, Meyer, Moses, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 71 and H.B. No. 164, HD 1, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 72 and H.B. No. 477, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 477, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose in support of 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:

"I am in strong support of HB 477 which exempts Roth Individual Retirement Accounts (IRAs) from attachment or seizure.

"When regular IRAs were granted protection from creditors, Roth IRAs were not yet in existence. This bill makes it clear that Roth instruments are accorded the same protection.

"My thanks to the Chairs of the Consumer Protection Committees in the House and the Senate and to Mr. Jim Starshak of the Carlsmith law firm for his expert assistance on this measure."

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

Representative Yamane's written remarks are as follows:

"Providing Roth IRA protection against creditors is vital to retirement sustainability. This legislation will provide equal protection found under regular individual accounts necessary for our workers to have a sense of security in their elder years."

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

"In support of this measure, and just briefly to say, as we are all concerned about the future of Social Security, it's this kind of measure that brings confidence and reliability to our future. 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:

"This is an excellent bill. And I want to thank the Representative from Kahala for such a fine piece of legislation. This bill seeks to protect Roth IRAs from creditor claims. The Roth IRA is a more recent and effective planning tool created

to assist in the financing of one's retirement. Individual Retirement Accounts have been in place for a much longer time and are already protected from creditor claims in the Hawaii Revised Statutes. This bill would add that same protection to Roth IRAs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 477, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," passed Final Reading by a vote of 51 ayes.

At 3:02 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 553, HD 1, SD 1, CD 1
 H.B. No. 1709, SD 1, CD 1
 H.B. No. 125, HD 2, SD 1, CD 1
 H.B. No. 1295, HD 2, SD 2, CD 1
 H.B. No. 332, HD 1, SD 2, CD 1
 H.B. No. 164, HD 1, SD 1, CD 1
 H.B. No. 477, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 73 and H.B. No. 785, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 785, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 74 and H.B. No. 1659, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1659, HD 1, SD 1, CD 1, pass Final 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 of Conference Committee Report No. 74, Relating to Noncommercial Piers.

"Mr. Speaker, as you may remember, during the 2000 legislative Session this Body passed House Bill 1711, which was signed into law by the Governor and became Act 261, Session Laws of Hawaii 2000. However, the authority granted to the Department of Land and Natural Resources to enter into lease agreements with owners of private residential noncommercial piers shall be repealed on June 30, 2005.

"Mr. Speaker, within Kaneohe Bay itself there are nearly two hundred piers, many of which were constructed before October 1, 1964, when the first regulatory measures were effectuated concerning piers. Many of these pier owners, as well as countless others statewide, were unaware that their piers lacked proper authorization from the State and were considered illegal. Since the enactment of Act 261, Session Laws of Hawaii 2000, only twelve out of 160 Kaneohe Bay pier owners had obtained a lease as of January 1, 2005. An additional 50 pier owners are in the process of having their leases approved with no guarantee that their application will be completed before the

June 30, 2005 deadline, due to the difficulties and time constraints involved in obtaining all of the required surveys, appraisals, and additional documentation.

"Mr. Speaker, these are only the pier owners in Kaneohe Bay. There are many more private noncommercial pier owners across the State yet to negotiate their leases with the State.

"Mr. Speaker, House Bill 1569 will extend Act 261, Session Laws of Hawaii 2000, by two years to June 30, 2007. This will permit not only the private noncommercial pier owners, as well as the Department of Land and Natural Resources, more time to negotiate leases of state submerged lands or lands beneath tidal waters.

"Mr. Speaker, to prompt procrastinating pier owners who desire to enter into leases with the State for their private noncommercial piers, the Department of Land and Natural Resources is urged to commence using the prevailing real property tax assessment value of the fast land in determining the lease rent for a lease of the State submerged land or land beneath tidal water entered into after July 1, 2006.

"Mr. Speaker, I urge my colleagues to support this measure."

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, I am in strong support. This issue has been around and has affected my district for many years, and I believe that this extension will help to provide more time for a fair resolution. I ask that my fellow Members support this bill."

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 want to thank everyone in this Chamber for supporting this important piece of legislation. Without the extension offered in this bill, many owners of non-commercial piers would have been left high and dry. The two-year extension will give the extra time needed for the 80% of pier owners who have not yet executed long-term leases on the submerged lands under their piers. Most of the pier owners are in various stages of completing their paperwork and ordering or waiting for surveys to be completed so they can finalize negotiations with DLNR. The passage of this bill will create a win-win situation for the pier owner and DLNR."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1659, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 75 and H.B. No. 1430, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1430, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 76 and H.B. No. 895, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 895, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Marumoto, Meyer and Stonebraker voting no.

Conf. Com. Rep. No. 77 and H.B. No. 1201, HD 2, SD 2, CD 1; and**Conf. Com. Rep. No. 78 and H.B. No. 1202, HD 2, SD 2, CD 1:**

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.B. Nos.: 1201, HD 2, SD 2, CD 1; and 1202, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Thank you, Mr. Speaker. I rise to speak in support to speak on H.B. 1201, and also the next bill H.B. 1202. Thank you, Mr. Speaker. I thank the Ag Chair and the Judiciary Chair for shepherding these bills on ag theft and trespassing this year. The ag theft bill and the ag trespass bill are important to keep farmers in business. If I were a farmer, I would find it very discouraging to come to work and find six months of my labor smashed, stolen or spoiled. These two bills offer more protection for farm products and are a message for farmers statewide that we support their efforts.

"Theft and trespass on farmers affect farmers in particular but are a concern to all of us because theft affects all of us as consumers. These two bills, Mr. Speaker, are a small step toward our productive agricultural policy and we must continue to establish it to support our farm industry and their fruits of their labor.

"We must encourage agriculture now so that we can preserve agricultural activity in Hawaii for our future. Mr. Speaker, it's all about tomorrow, today."

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

"Thank you, Mr. Speaker. On the same two measures, in strong support. I'd like to have the comments from the Representative from upper Maui to be inserted in the Journal as my own, in strong support. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. On the same two measures I have written comments in support and if I may, I'd just like to adopt the words of the Representative from District 12 as if they were my own.

"And just briefly, I would like to just acknowledge the leadership and expertise of the Chair of the Judiciary Committee, in making sure that we are going to come out with these two pieces of legislations on the quality level. She's a lawyer and I'm not a lawyer, and I believe that we had participation and we came out with two very good pieces of legislation.

"And if I may just add, Mr. Speaker, as you know, many of our farmers are scrambling for help, and many of them are actually going out of business. This is not only on Oahu, but on a statewide level. So, this is one demonstration from all of us that we are responding to their request and hopefully the incident that happened in the North Shore just recently will not happen again. So, these are two very good measures, Mr. Speaker, and I ask for the support of our colleagues. Thank you."

Representative Abinsay's written remarks on both measures are as follows:

"Mr. Speaker, I rise in strong support of Conference Committee Report No. 77, HB No. 1201 HD2 SD2 CD1 – Relating to Agricultural Theft.

"Mr. Speaker and colleagues, agricultural theft and vandalism are an ongoing, complex and the most frustrating problem for farmers and ranchers throughout the state of Hawaii.

"Recent estimates show that this problem is costing Hawaii's agricultural industry over one million dollars per year. Agricultural theft is very difficult to prosecute. State enforcement officers have complained for many years about the difficulty they have experienced in prosecuting agricultural theft cases.

"Mr. Speaker and colleagues, this problem is so widespread today that I believe it is time we address it seriously and aggressively by strengthening laws that pertains to agricultural theft.

"This is bill would provide the perfect solution. First, strengthening the language that the possession of agricultural commodities or livestock without an ownership and movement certificate is *prima facie* evidence that the agricultural commodities or livestock are or have been stolen; and secondly, by expanding the definition of theft in the second degree to include theft of over 25 pounds of agricultural products from premises that are fenced or enclosed or where there are "private property" signs posted.

"While this bill may not resolve this issue entirely and completely, however, I believe very strongly that this measure would provide prosecutors and the police an extra tool to assist in the prosecution of agricultural crimes, particularly theft of agricultural produce.

"I urge your support for its passage for Final Reading. Thank you."

"Mr. Speaker, I rise to speak in support of Conference Committee Report No. 78 – HB1202, HD2 SD2 CD1 Relating to Agricultural Trespassing.

"Mr. Speaker and colleagues, this bill is one of two very important measures the legislature successfully passed during this year's Session. As with the problem of agricultural theft, agricultural trespassing is just as difficult and even more problematic to prosecute. Again, our laws need to be changed and stronger laws need to be put in place and implemented.

"The final version of this bill as written in Conference Draft No. 1, discourages agricultural trespassing by providing a criminal trespassing offense in the second degree for any person who enters without permission agricultural lands that is fenced or enclosed or posted with "private property" signs. Furthermore, this bill provides that a person commits the same offense of agricultural trespassing in the second degree if he

enters agricultural lands that contains visible presence of a crop being cultivated or harvested.

"This bill is part of the Farm Bureau's package which is supported by farmers and ranchers throughout the State. I urge your support for its passage for Final Reading. Thank you."

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

"Thank you, Mr. Speaker, for the opportunity to speak in support. This is a problem that's statewide. It's a very big problem on the Big Island, in the south, in Ka'u, where Ka'u Orange Company had significant theft problems over the past several years. So, I thank the Committees for passing this legislation."

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

"Thank you, Mr. Speaker. I'd like to stand in strong support of this measure but also have the words of the Representative from Upcountry Maui. I would just make a note that the farmers in Hana, the taro farmers in Hana and in Molokai will also appreciate this measure. Thank you."

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

Representative Ito's written remarks on both measures are as follows:

"Mr. Speaker, I rise in support of this measure, HB 1201, Relating to Agricultural Theft. This measure is an important initiative that will protect our hardworking farmers who sacrifice time, sweat and backs to provide our State with fresh produce. This measure will deter thefts and give farmers peace of mind, and reassure them that thieves will pay a big price if they steal equipment or livestock. This measure will clarify that ownership of certain farm equipment or livestock requires proof of ownership. It also clarifies that the offense is considered theft in the second degree.

"Our farmers on the Windward side have tried different tactics to deter theft, including: installing costly lighting devices, doing neighborhood watches and installing alarm devices; still these practices have not deterred thieves who steal equipment and turn around and sell them. Banana farmers from the Windward side have suffered great losses due to theft of equipment and produce including, Mr. Tet Choi Fung and Mr. Freddie Shiroma. These personal stories of loss put things at perspective for us. Without the sacrifices of these farmers our agricultural industry wouldn't be as fruitful. It is without doubt that this measure will deter agricultural theft, and for these reasons I urge a yes vote. Thank you, Mr. Speaker."

"Mr. Speaker, I support this measure, HB 1202, Relating to Agricultural Trespassing. Similar to House Bill 1201, HD2, SD2, CD1, this measure acts as a deterrent to those who have targeted our farmers with theft and trespassing. This measure specifies that trespassing on agricultural lands is considered a second degree offense.

"This measure will deter thieves from trespassing onto private agricultural property with the intent to unlawfully remove crops or equipment. At the same time, this measure

requires farmers to post signage to put trespassers on notice that they are entering "private property." I commend the Chair of Agriculture for introducing this measure and working hard this session in seeking its passage. For these reasons I urge support of this measure. Thank you."

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

"Thank you, Mr. Speaker, in support. Although you and our colleagues think of me as the Representative from Kapolei, in my district, there's also much agricultural land. Larry Jeffs, Alec Sou, etc., and they were the plagued by these problems that both of these bills address.

"There is agricultural theft. There is trespassing, and it costs many millions of dollars not just to keep the people out, but to try to re-grow the crops that are lost. So, thank you very much for these measures."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 1201, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," passed Final Reading by a vote of 51 ayes; and

H.B. No. 1202, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 79 and H.B. No. 320, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 320, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, this is supposed to be an ethics bill. It should require more disclosure, not less. So why are we here as politicians trying to keep our home addresses a secret? That's what this bill does. Could it be that some of us may not live in the district that we reportedly represent? Could it be that we're claiming homeowners exemptions at residences outside our district?

"You know, we declare one address when we file our nomination papers. What's the problem of disclosing the same address, unless we're reluctant to be truly ethical and tell the truth.

"Mr. Speaker, this measure blesses and codifies the practice of carpet-bagging by legislators. We should really look at this measure, Mr. Speaker."

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

"Mr. Speaker, in strong support of this measure which is at the request of the Ethics Commissioner, Mr. Dan Mollway. And I think, you know, it's not for us not to disclose the information, but when it's disclosed to the public, I think he had some concern about privacy. So, it's not as if we are not disclosing it. You still have to disclose 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. 320, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS," passed Final

Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Finnegan, Fox, Meyer, Moses, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 81 and H.B. No. 438, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 438, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you very much, Mr. Speaker. I rise in opposition to this measure. This measure would change the provisions in HRS Section 291C-72, which used to read, 'when traffic control signals are not in place or not in operation, the driver of the vehicle shall yield to the right of way to a pedestrian crossing the roadway within a crosswalk'. And it goes on. This measure would amend that so that it would be that the driver of the vehicle shall stop, and yield the right of way to a pedestrian crossing the roadway within a crosswalk.

"So, this would mandate a driver, Mr. Speaker, whether there's a traffic light or no traffic light, in a crosswalk situation, regardless of how the individual happened to find himself in the middle of the crosswalk. It will mandate that the person will have the right of way even if they had the green light, they have to stop. There's nothing wrong with stopping *per se* to save that person's life, or from saving that person who found himself there for whatever reason, in the vehicle's right of way. There's nothing wrong for the person to stop and yield. However, when you mandate such a thing, it will create a legal responsibility.

"And if that is the true purpose of this bill, and I remind you, Mr. Speaker, there is no purpose of this. If you look at the Conference Report, or the body of this measure, there's no purpose. And so I have to surmise that this will try to give benefits to the individual who places himself in a crosswalk, probably illegally, and somehow got hit and now that person is going to sue, or the family is going to sue if the person expired.

"This will make it easier because it's legally in statute. But it makes it easier to say, 'So what if he was dead? He darted into the middle of the road' or whatever, for what reason that he is in the middle of the crosswalk. He is in the middle of the crosswalk and the law says you have got to stop. If you fail to stop, you violate the law. Therefore, you owe some responsibilities to this person or this person's family for whatever damages there may be.

"Now, the way the law currently exists without this, Mr. Speaker, there is some protection. But the protection which is a doctrine in civil law is called the 'last clear chance doctrine'. So although the person finds himself in the middle of a crosswalk, and you have the right of way, it is still your responsibility if you could react to it. If you had the ability or you had the last clear opportunity to avoid the accident. In that case, you will not be found negligent. In that case, if you had the chance to stop and you did not, that person has a claim against you under in the current law.

"This measure will make it easier for that individual who is probably in the intersection illegally, the way this thing is drafted to make it easier for that individual to sue. Is that good public policy? Therefore, I urge everyone to not support this bill. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. This measure could be said to be a 'looking out for our seniors and our students' measure because, as our economy prospers our population continues to expand. Consequently, there are more drivers on the road and this increases the likelihood that accidents occur.

"Unfortunately, pedestrians are the victims of these accidents and they are often our elderly, our young, our disabled. And in fact, almost half of Hawaii's residents believe that our roads are not pedestrian friendly, according to a study. It has called that new legislation is necessary to increase roadway safety in Hawaii when statistics concerning accidents involving pedestrians are considered.

"This measure requires that drivers must yield and remain stopped at the stop light while pedestrians are crossing any roadway. Quite simply put, it's about civility. It's about the concern for others and it's about the going towards a practical end result of pedestrian-safe roads.

"According to the Traffic Safety Department of the DOT, in 2003, there were 550 accidents involving pedestrians throughout the State and consequently 23 pedestrians died.

"Mr. Speaker, in my district alone, Pali Highway, where I share with the Representative from Pacific Heights/Nu'uuanu, is one of the most dangerous roads according to studies. It is also a district, in my district, where we've had numerous elderly hit by cars that do not yield. But the most persuasive argument to support H.B. 438, however, comes from a result of the SMS, Inc. study which shows that injury to pedestrians is highest among Hawaii's oldest and youngest. That's 65 and older, and 0 to 14 years old. In fact, the same study showed that seniors make up only 11% of our population but comprised over 50% of these pedestrian fatalities. So it seems logical that we would pass this legislation to protect the most defenseless members of our society, our children and our elderly.

"The DOT supports it because it believes that new legislation is necessary and it feels that education awareness programs are very good regarding pedestrian and driver safety, but are just not enough. The DOT felt that current pedestrian laws were too confusing for most people to understand. So, unintentional perhaps, recent driver carelessness and oversight makes the number of pedestrian related accident throughout our State foreboding. And since January of just this year, there have been 9 fatalities in Hawaii according to studies by the Fatality Analysis Reporting System. Stronger legislation such as H.B. 438, ensures stricter adherence to law and it will protect all residents, especially our seniors, especially our students, who cross our roads and highways."

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

"In opposition, Mr. Speaker. I believe most pedestrians know that when they have a red light they're not supposed to walk across the street. Most drivers know that if they have a green light, they're allowed to go ahead. My problem with this bill is, who's going to let the seniors or the pedestrians know that they can walk on the green light? Some will know, some won't know. Who's going to let the drivers know that they need to stop when a pedestrian walks in the crosswalk when they have a green light?

"For instance, we have a pedestrian who walks across the street thinking it's legal for him to walk across the street on a red light. The driver comes by not knowing that he's supposed to stop when a pedestrian gets into the crosswalk on a green light, and an accident occurs. Or, he streaks to a halt to avoid

that pedestrian and get rear ended by another vehicle. Who's liable for this? The City and County? The State of Hawaii because we passed this kind of legislation? That's my concern for this bill. Thank you."

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

"I rise in support. Just very briefly, I just wanted to clarify some of the prior confusion that may have occurred over the issue, I guess, of negligence and potential liability. As I understand the current law, there's no longer a last clear chance doctrine. Instead, what we have is the comparative negligence doctrine under Chapter 663. So, I don't believe that the last clear chance doctrine discussion is applicable.

"And instead what comparative negligence looks at is really how much fault does each of the persons involved in an accident have. If somebody has 51% negligence on their part, they're precluded from recovery. So that to me takes care of the issue of who's negligent, or who's more negligent. That's a question that can be determined by the jury. Thank you."

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

"Once again, I'm in favor of this bill very strongly, Mr. Speaker, because I believe that the increase in accidents over the years have been with pedestrian accidents. Mostly senior citizens, who do not have the ability to move as fast as they should be. This bill provides those seniors and others who attempt to cross the streets, even though they might not be in a crosswalk, a right of way. It is unorthodox perhaps, and there are some fears out there. But, the aim of this bill is to cut down on the pedestrian deaths. I believe that per capita, Hawaii now is leading the nation in pedestrian deaths. This bill, Mr. Speaker, attempts to provide a safety valve for the seniors. And to let the public know, to let the drivers know and beware, that if they break this law, if they do not stop the car when a senior is half way across, they will get a ticket.

"A previous speaker said, 'How are they to know?' Like any other law, you will know by the promulgation of rules. You will know by if you break the law you will get a ticket, you will know by the announcement that will be made, that will be required by the local police and legal officers of the bill, and the intent of the bill.

"This bill, the intent, is to save lives. It may not be perfect. We may have to tweak the bill as it goes along, but a notice should be set out to the public that we care for the pedestrians, we care for our senior citizens, and we want to save lives. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in strong support of the measure. I'd like to have the words of the Chair of the Transportation Committee as my own. I have become increasingly aware of the risk that pedestrians take when they enter the crosswalk from my participation in the HMSA 'Legislators on the Move'. It really is a problem. This bill will allow pedestrians to wait for a gap and then step out into the crosswalk with some confidence that the traffic will not just slow down, but will stop. It will arguably inconvenience some impatient drivers and cause some confusion possibly upon implementation, but I am confident this measure will reduce pedestrian injuries and fatalities and that's the point.

"The DOT and the HPD assured us during hearings that there would be an aggressive public education component before

implementation of this law and I think certainly that's needed. The safety of pedestrians requires a sacrifice from motorists. It requires a sacrifice from all of us. In the future we may want to consider a more comprehensive approach to this problem that would require motorists traveling in both directions to stop whenever a pedestrian enters any part of the entire crosswalk. That would eliminate any doubt for motorists about when a stop is required and would further increase pedestrian safety.

"For now, however, this bill is a good beginning and I urge my colleagues to support this measure. Thank you."

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

"Thank you, Mr. Speaker, in opposition. Us old guys know better than to cross on red lights. They're in such a hurry to go nowhere that they run red lights, they walk against red lights and they ought to know better."

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

"Thank you, Mr. Speaker, also in opposition. While I agree with the intent of the measure and I think it's a good idea, we unwittingly may be creating a more dangerous situation because we are giving pedestrians the right of way where a traffic signal does not exist, which is a good idea. But we're also giving pedestrians the right of way where a traffic signal does exist. I just could imagine people coming down the mountain, down Pali Highway towards town, and they have a green light. And a pedestrian thinking they have the right of way, and they will under this law, walks into a crosswalk and the motorists will not be able to stop in time; and thus, a dangerous situation. Thank you."

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

"Thank you, Mr. Speaker. I would like to adopt the remarks of the Speaker Emeritus in support of this measure. Thank you. Mr. Speaker, I hope his heart will take it.

"Mr. Speaker, I had the privilege of being able to be in London, England not too long ago, about two years ago. You step off into a crosswalk in London where there's an immense amount of traffic, and all those cars come to a halt. This isn't at a signal, this is a marked crosswalk. You're even ready to step off into that crosswalk and those cars come to a stop, even the fast moving cabs. And those folks drive on the wrong side of the street. But they still come to an absolute stop. It will take a period of time for us to train motorists to say that you can no longer can use pedestrians as a moving target. You're going to have to stop for them instead of hitting them.

"So, there will be a learning process just as there's been a learning process over the last two decades that motorists can go and try to go speeding through a crosswalk even if there's someone in it because there's been no penalty. And the current law says that, not that you shall stop. It's just that, 'Hey guys, if you think maybe you should stop, then you should stop', but it leaves it up to the motorists.

"And all of us that were in that HMSA program and fast walking throughout the city were 'sitting ducks' as we went across crosswalks. There is a slight flaw in the bill that this Legislature is certainly capable of fixing that flaw. We have two more days and if we were to do that today we could enact the corrected version on Thursday. Otherwise, I would say in the best interest of keeping our pedestrians alive, we should pass this measure. Thank you."

Representative Sonson rose to respond, stating:

"Briefly, thank you Mr. Speaker. Still in opposition, now that the purpose of this bill became clear, it's supposed to help seniors to cross from one side of the street to the other in a crosswalk. Mr. Speaker, as the speaker from Waimanalo has stated, this bill does not address that issue. Rather it puts them more into the face of danger. Let me tell you why.

"If you really wanted to fix the problem of making sure that a slow moving individual, probably an elderly person, will be able to get to the other side, the way to fix that is to ensure that the timing is corrected so that you have a lot more time. You make sure that the light is not the flashing man or a stop hand like this, but rather it's something that they can visually see that they have 30 seconds left, because some of them might enter the intersection at half way. They think they can make it through and then accidents happen.

"I have never heard of an accident, a fatality that's mentioned by Speaker Emeritus where it actually happens to be a pedestrian in that situation. It's usually somebody darting out, somebody doing what they're not supposed to, somebody in a unmarked crosswalk, etc. The false hopes if this were to be promulgated to the public. Sometimes some older individuals think that they own the road just because they're in the middle of the crosswalk. If you ever seen them because you beep their horn. You know, some people beep them. I don't. But some people beep their horn and they stand there and wave at you, you know, and raise fist at you. Imagine what would happen, if you give them that right, if you put it in law that they have a right to that crosswalk, no matter what. Essentially, the person can go to the middle and stay there and defy you, right? Does it say that you can't do that? No, it does not.

"So, if it is the intent of this bill to ensure that elders are able to cross safely to the other side, let's make it so that it's safe for everyone. This way it's confusing. If you just give the right to them to enter the crosswalk at any time, that is, to me, a more dangerous thing. And again, in opposition."

Representative Souki rose to respond, stating:

"Mr. Speaker, if I may. It seems that I have hit a nerve. Thank you very much, Mr. Speaker."

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

"Thank you. Just a short comment, Mr. Speaker, in opposition. The concern I have is that basically, it is a universal rule that green means go. And if you have a green means go, and the person steps into a crosswalk, the only concern I have is at an actual crosswalk that you have a stop light at, because you're sending mixed signals. And what if you stop at that green and the person can't see the person that's in the crosswalk and you make an abrupt stop. You can cause a lot of accidents, and therefore be just as harmful or even more harmful.

"So, I would like to see the bill corrected because I believe that this is a great bill. I think we need to protect our pedestrians and under Section 3, subsection a, where we crossed out the section that applies it to these traffic lights, we would have a great bill. Thank you."

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

At 3:31 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 3:34 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 438, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," passed Final Reading by a vote of 29 ayes to 22 noes, with Representatives Abinsay, Cabanilla, Carroll, Chang, Finnegan, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Magaoay, Nakasone, Nishimoto, Pine, Schatz, Sonson, Stonebraker, Tsuji, Waters, Yamane and Yamashita voting no.

At 3:36 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 785, HD 1, SD 1, CD 1
 H.B. No. 1659, HD 1, SD 1, CD 1
 H.B. No. 1430, HD 2, SD 2, CD 1
 H.B. No. 895, HD 2, SD 2, CD 1
 H.B. No. 1201, HD 2, SD 2, CD 1
 H.B. No. 1202, HD 2, SD 2, CD 1
 H.B. No. 320, HD 1, SD 1, CD 1
 H.B. No. 438, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 82 and H.B. No. 806, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 806, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Fox and Pine voting no, and with Representative Kanoho being excused.

Conf. Com. Rep. No. 83 and H.B. No. 422, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 422, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, there is emerging a new way of doing business on environmental issues, rather than the usual confrontation between business and green interest. Business and green interests are trying to work things out so that the end result is that the environment is more soundly protected, and it's done in such a way that businesses can make money.

"Now, I won't say that's the background to how we got the Memorandum of Agreement that the Department of Health approves on dealing with cruise ships. I wouldn't say that's exactly how we got there. In fact, I would say that green opposition to the cruise ship pollution has actually helped to force the cruise ships into developing the Memorandum of Understanding. Nevertheless, we as the State have a real opportunity to work closely with an industry that is strongly supported by our Senior Senator. And we have a situation in which we are protecting far more thousands of square miles of

water than we would if we ram it down the throats of the cruise industry.

"I was in the Transportation Committee when the representative of Norwegian Cruise Lines testified that he understood that a weakness of the Memorandum of Understanding was that it didn't have penalty provisions. And that he was willing to see a Memorandum of Understanding modified so that there would be penalty provisions. So, I think we have a really good process underway. One of the best reasons it's a good process is that it covers far more ocean, than can be covered by a law passed by the State. So, I find it distressing that in the face of this responsiveness from the industry, we would be passing a law like this. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Let me just take the opposite approach on this and add my remarks in opposition to the bill. I'm in opposition to the bill but for a different reason. Thank you, Mr. Speaker.

"Actually, the bill is worse than nothing. The cruise industry came before our Committee, Mr. Speaker, and under questioning, acknowledged that they had some spills that they had not reported. I think the reason that the cruise industry is here before us at the Legislature is because we do want to regulate them more thoroughly than the Memorandum of Understanding can do.

"As I was explaining, during one of the Conference Committee hearings on this measure, the Memorandum of Understanding is just a voluntary agreement between parties. We had that a long time ago with Kaho'olawe and the military kept bombing it. But there was a Memorandum of Understanding, so it's without any teeth whatsoever. The bill, I had hoped was going to have teeth, but the way it finally has ended up, it covers only sewage and air pollution, and not gray water.

"The cruise industry can delay implementation of the sewage discharge requirements and ignore air pollution requirements when their equipment failure occurs. It's a bit of a toothless measure, as is the Memorandum of Understanding and so I, reluctantly, am going to vote no on it because nothing is better than something that we have before us. And this falsely will make people think that we've taken steps to control this pollution. 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. I'm voting in reservations on this bill because it purports to do less than what the current Memorandum of Understanding accomplishes in protecting our ocean waters from pollution and harmful discharges.

"The current Memorandum of Understanding establishes standards, practices and procedures for waste water management, bilge and oily water residues, solid waste and hazardous waste management and air emissions. The State's jurisdiction under this bill extends to only three miles from the shore, while the MOU coverage extends four nautical miles beyond the 100 fathom line, protecting sensitive fishing grounds and marine mammal sanctuaries between the islands.

"The MOU process is also more flexible and easier to amend than a statute, and has been effective in limiting the occurrence of harmful discharges in Hawaii's waters. There was only one discharge violation last year under the MOU's purview and the installation of advanced wastewater treatment systems on the

majority of the cruise ships entering our maritime jurisdiction has greatly reduced the frequency and severity of waste discharges.

"Mr. Speaker, while this bill will not do as much as it intends to accomplish in terms of protecting the State's marine environment, it does single out the cruise ship industry by imposing additional costs and inspection procedures and duplicative record-keeping burdens, which are already implemented by the MOU. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I wish to have in part, the words of the Representatives from Kailua and also the Representative from Kaneohe, except for the last statement about the cruise ships.

"I have been sitting for my first Session in these Committee hearings as well. I am in support with reservations. I am amazed that there is conversation on how to avoid penalties rather than how we can do things more correctly, so that if there is a mistake or a spill that the penalties are minimal. So, I'm speaking in reservation, because while it is the first step, so to speak, I believe that we can be bolder as a Body, and I hope that we come back in the next Session and improve it. Thank you."

Representative Pine 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.)

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Fox, Moses and Thielen voting no, and with Representative Kanoho being excused.

Conf. Com. Rep. No. 84 and H.B. No. 1235, HD 1, SD 1, CD 1; and

Conf. Com. Rep. No. 85 and H.B. No. 1236, SD 1, CD 1:

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.B. Nos.: 1235, HD 1, SD 1, CD 1; and 1236, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Yes, Mr. Speaker, I wish to speak to both of these measures. As much as I support it, I do have some reservations, both on 84 and 85. The reservations I have is that this bill is late. It's going to begin, to my understanding, next Session. It was my understanding in the beginning, when I was looking at this, it was for this Session. And I'd like to say the House was prepared to go, at least on the \$5,000 allowance we have now, to \$7,500 for this Session. However, to my understanding, the Senate has decided that they don't have enough money. So, it's a disappointment on both issues that we don't have the ability to profit from both measures, as I believe that they are of very substantial need for the legislators.

"The average hotel room for the State of Hawaii is over \$100. We get a per diem of \$80 a day. That doesn't cover the car allowance. It doesn't cover food. It doesn't cover all the incidentals. And I hope, Mr. Speaker and Members, as you look at it for next year, that you do not delay it another year again. And this is my fear; that next year will come about and you may say that we don't have enough money so let's delay it

concern, that in the end we may not get the allowance and the per diem. Thank you very much."

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

"Mr. Speaker, I rise in support of Conference Committee Report No. 85. Just very briefly, I think it's really important for us to clarify some mischaracterization of the legislative allowance. And I think one of the main purposes that most of us in this Body tend to use it for is really for constituent communications.

"Currently, with the cost of printing and the cost of mailing, we're very, very lucky if we're even able to get one constituent communication out every legislative Session for a wrap up. Sometimes you're able to squeeze in a little bit more but usually you're limited to about one or maybe one and a half. And really, if we're going to be effective in terms of communicating with our constituents to let them know what the issues are, to educate them, to keep them involved in the process, so really the democracy can start to work and get people involved and get people engaged in what we're doing here in this Body, we need to have that kind of communication and that kind of direction. So it's for those reasons that I stand in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 1235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL ALLOWANCES," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Kanoho being excused; and

H.B. No. 1236, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Kanoho being excused.

Conf. Com. Rep. No. 86 and H.B. No. 408, HD 2, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 50 ayes and with Representative Kanoho being excused.

Conf. Com. Rep. No. 87 and H.B. No. 283, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 283, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, this measure will establish a commission to recognize and honor Hiram L. Fong, our former United States Senator who passed away at age 97 in 2004.

"Senator Fong was a strong voice for Hawaii and his constituents, and over his long career was associated with many political and community service endeavors that served the people of our State exceptionally well. After serving as an Army officer in World War II, Senator Fong was a successful businessman. His lifetime saw him struggling from humble

beginnings and eventually graduating from Harvard Law School and becoming a millionaire. Senator Fong was a Republican, but respect for him hails from all political quarters including, for example, strong support from the ILWU. Senator Fong was able to work effectively with any group that shared his vision of improving our State and Nation.

"Senator Fong began his service here in the Hawaii House of Representatives and shortly thereafter was named Speaker of the House. While serving Hawaii in the US Senate, Fong was instrumental in the establishment of the East-West Center and continued to be a strong voice for the civil rights movement. In total, Fong contributed 31 years to our State as an elected official. It is only fitting that a commission is formed to coordinate efforts to respectfully honor this dedicated, now departed, servant to our State.

"I urge my colleagues to support this measure. Thank you, Mr. Speaker."

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

"Mr. Speaker. Thank you, Mr. Speaker. I stand in support of this measure. Senator Fong was a resident of my district, an inspiration to many. In fact, I want to share that when I taught at Maemae Elementary School in our district, it was really fun and interesting to pick up a book in the library of Maemae, and see that this book, which was a national textbook, had Senator Fong in there with pictures, many pictures of him because he was the first Asian Senator. And, you know, in my studies at the University in ethnic studies, he was there too.

"When he had passed, he was in *Time Magazine*. This is a man who was so great. But when I knew Senator Fong, he was a friend of my grandparents. But what I recall most about him was his ethic of hard work. In fact, up until practically his day that he departed, he was a person that always when to his gardens. So, his values of hard work and always saving money; he would talk about how he worked in so many different capacities to save money, being a very productive citizen. This is an inspiration for all of us.

"I know he was known as the original boy from Kalihi and he came from the famous class, the McKinley class of 1924, along with Chinn Ho, and these are a generation that have been an inspiration. In strong support, Mr. Speaker. He has passed on, but his photo hangs up here in our Chamber and I think his memory hangs in the hearts of many. Thank you, Mr. Speaker."

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 and colleagues I rise to speak in strong support of House Bill 283, HD 1, SD 1, CD 1, relating to the Senator Hiram L. Fong Commission.

"This measure will recognize and honor Senator Hiram L. Fong by establishing the temporary Senator Hiram L. Fong Commission.

"Senator Hiram L. Fong resides among Hawaii's most revered public servants. With over thirty years of outstanding public service, Senator Hiram L. Fong showed his ability to work well with both Democrats and Republicans as he forged a coalition of independents from both parties and was elected as the Speaker of the House of Representatives during his first

term. He went on to serve seventeen years in the United States Senate, where he was the first Asian-American Senator.

"Over the next several months the Commission shall research and recommend how the State can best honor Senator Hiram L. Fong through the development, planning, and coordination of the various forthcoming programs and activities.

"Senator Hiram L. Fong's service and commitment to Hawaii is most deserving and befitting of recognition, honor and high distinction. Thank you, Mr. Speaker."

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

"Very strong support, Mr. Speaker. The many years that I spent within our island resorts, Finance Factors and Senator Fong were partners with many, many projects and I got to know him quite well. He was a remarkable man. And I also had the privilege of working on his last campaign. Thank you."

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

"Thank you, Mr. Speaker, in support. You know, there aren't enough words to say how great a man we all consider Senator Hiram Fong. I knew him after his political life. I knew him for about 20 years and I knew him as the man who built Makakilo, not the man from Kalihi. But, he was a great man, he was there for us at that time as he has been for many other people around the State and we'll surely miss him."

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

"Thank you, Mr. Speaker. In strong support. I would like to adopt the words of the Representative from Mililani as my own. Senator Fong gave me my first full-time job. I was a receptionist in his Washington, DC office. And I think one thing that we have to remember about Senator Fong was that he was a true statesman and especially in a time when statesmanship is lacking in the US Senate; he was a person that brought honor to that body. Thank you."

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

"Mr. Speaker, I'd like to insert some comments in the Journal in favor of this very remarkable man."

Representative Marumoto's written remarks are as follows:

"In Hawaii, our Horatio Alger is Hiram Fong. Son of Chinese immigrants, born of humble beginnings, raised in the vibrant immigrant district of Kalihi, educated in public schools in Honolulu, a self-made businessman, he rose to lofty heights to sit in the U.S. Senate. Intelligent and enterprising, his is an inspiring story and should be told in every Hawaii history book.

"Local students should realize that this could be their story too. A member of the famed McKinley High class of 1924 he and several classmates rose to great prominence – financier Chinn Ho, Supreme Court Justice Masaji Marumoto (my former father-in-law), numerous doctors, lawyers and professionals. Hawaii's youth must understand that they, too, can strive and achieve their dreams. With education, drive, hard work, everything and anything is possible in America – a nation of immigrants. Is not Hiram Fong proof positive?"

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT

ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR SENATOR HIRAM L. FONG," passed Final Reading by a vote of 50 ayes and with Representative Kanoho being excused.

Conf. Com. Rep. No. 88 and H.B. No. 1476, HD 1, SD 1, CD 1:

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

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

"Mr. Speaker, yes in strong support of this measure. Thank you, Mr. Speaker. It will allow for a buffer zone in connection with Kamehameha Schools, and hopefully we can keep this heritage going. This is the reason that I am for this measure. Thank you very much."

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

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 strong support of this measure which will contribute to preservation efforts of the visual, cultural and historical aspects of the Mo'okini Heiau and Kamehameha Birth site. This measure recognizes the importance and need for a space buffer around historic sites."

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Final Reading by a vote of 50 ayes and with Representative Kanoho being excused.

At 3:55 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 806, HD 1, SD 1, CD 1
 H.B. No. 422, HD 2, SD 2, CD 1
 H.B. No. 1235, HD 1, SD 1, CD 1
 H.B. No. 1236, SD 1, CD 1
 H.B. No. 408, HD 2, SD 1, CD 1
 H.B. No. 283, HD 1, SD 1, CD 1
 H.B. No. 1476, HD 1, SD 1, CD 1

At 3:55 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:05 o'clock p.m., with the Speaker presiding.

At this time, the Chair stated:

"Members, we are now on page 14 with another 15 pages to go, plus your Supplemental Calendar, along with your yellow action sheets.

"Time being at 5 after 4:00, a couple of our colleagues would like to attend a community function at 7:00 p.m. So, if we

could get it done by 7:00 p.m., I'll push this OD as quickly as possible. If not, we'll probably end up finishing around 9:30 or 10:00 p.m. That's just my estimate."

Conf. Com. Rep. No. 89 and H.B. No. 931, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 931, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On this H.B. 931, I stand in strong support. In light of what you just said Mr. Speaker. It's a very good bill for us on the North Shore. Thank you."

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

"Like mental telepathy, Mr. Speaker. Yes, I'm in strong support of this bill and I will submit remarks in the Journal. Thank you."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am in strong support of this measure. HB 931 would allow for the construction of an affordable workforce housing development. We all know how expensive a single-family home is; \$600,000 is now the median-priced home. This project will set up leasehold ownerships with contractual agreements signed at the time of purchase that limit the appreciation on the lowest-priced homes to the cost of any improvements made by the home owner plus a predetermined index. The whole premise is to make sure these homes stay in an affordable pool.

"The entire project will be exempt from Hawaii's existing lease-to-fee statute. The leasehold title will keep the price down and the land will never be sold. These homes are to be built in Malaekahana and will be sold to people in my district and adjoining communities in Ko'olauloa. This is an innovative development plan that is sure to be duplicated throughout the State."

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 bill is to encourage the development of workforce housing and affordable housing on leased residential lots by exempting such developments from the provisions of Chapter 516, Hawaii Revised Statutes, which allows for mandatory lease-to-fee conversion of single-family residential properties.

"In general, I am opposed to the continuation of the statutory authorization allowing mandatory residential leasehold condemnation that forces landowners to sell their fee simple interest to lessees living on leased lands. I am for the repeal of Chapter 516, Hawaii Revised Statutes, Hawaii's mandatory leasehold conversion law.

"This bill allows an exception to the mandatory leasehold conversion law in order to promote the development of workforce and affordable housing that might not otherwise be developed. This bill would allow lessees to obtain the benefit of any appreciation in the improvements to the land. This is

much better than the alternative of having little or no workforce or affordable housing available near the workplace.

"I urge my colleagues to support this worthy measure."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

Conf. Com. Rep. No. 90 and H.B. No. 1750, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1750, SD 2, CD 1, pass Final 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 of this measure that appropriates funds to the TJ Mahoney Program for women transitioning into the community from prison. Your Conferees thank the Committees on Finance, and Ways and Means for appropriating \$100,000 to this much needed program. Due to current overcrowding in prisons across our State, this program will provide a great outlet for our women seeking reintegration into the community and a reconnection with their children and families.

"Mr. Speaker, through the TJ Mahoney program, women will learn the necessary skills for reintegration. The TJ Mahoney program has an impressive success rate, with 68% of the programs' participants not returning to prison. Through programs like TJ Mahoney, recidivism rates among women will continue to decrease.

"Mr. Speaker, community based reintegration programs provide structure, monitoring and accountability for female offenders returning to the community. This program is a great alternative for sending our female prisoners to the mainland, where accusations of abuse and neglect have surfaced. For these reasons, I urge Members to support this measure."

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 I am in strong support. As the Women's Facility is in my district, this bill will help those being released to be able to transition back into society and provide the best opportunity for them to succeed. I ask that my fellow members support this bill."

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

Representative Tanaka's written remarks are as follows:

"Comments in strong support of this measure. As a former Correctional Officer at Maui Community Corrections Center, I have seen first-hand how female inmates are discriminated against. Such re-integration programs offer these inmates a support system to ease their transition back into society. Also,

such programs will lessen the rates of recidivism, which are higher for female offenders."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1750, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED REINTEGRATION PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM PRISON TO THE COMMUNITY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 91 and H.B. No. 852, HD 2, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 92 and H.B. No. 1276, HD 3, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1276, HD 3, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1276, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 93 and H.B. No. 1301, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1301, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise in support of CCR No. 93. Mr. Speaker, this bill, Relating to Invasive Species, in particular is really a milestone measure in the war against in particular, the coqui frog. This measure takes special note that because of the critical nature of the coqui infestation, the funds are being specifically directed for coqui control and eradication.

"Also, this measure will direct the appropriated funds to the counties, mainly the Big Island of Hawaii, Maui, Oahu and Kauai. And to really work collaboratively with the respective invasive species committees and also community groups. I'm in strong support of this measure because of the concerted effort and the statewide implication or eradication of what is taking place right now. It began on the Big Island and it's invading the outer islands.

"This particular bill also appropriates funds for the coqui infestation of which two-thirds will be utilized for the main islands, mainly the Big Island of Hawaii and also Maui, and a third will be appropriated and divided equally among the island of Oahu and the island of Kauai.

"We can't deport this Caribbean hitchhiker but we can control it. We can eradicate. Mr. Speaker, just a few weeks ago, the

Feds have approved a new method of implementation to control and eradicate the coqui frog; the hydrated lime. Up until today, only the citric acid was approved. We also realized that recently, the Feds had denied about \$9 million of the invasive species eradication funds. But this authorization of using hydrated lime for coqui control and eradication for a 3-year period comes on a very timely basis when you, Mr. Speaker, and the rest of us have approved the appropriation of \$300,000 to eradicate coqui.

"Hydrated lime is much cheaper and it can be used throughout the State of Hawaii. Mr. Speaker, thank you very much."

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

"Mr. Speaker. Thank you, Mr. Speaker. On the same measure, if I can also adopt the words of the Representative from District 3 as if they were my own, and just recognize his leadership on this measure. Hopefully we can continue to aggressively address this in the next Session, as far as funding is concerned. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support. Thank you, Mr. Speaker. I would like the words of the Representative from Hilo added as my own. I would also like to put out that we continue to take this seriously and try to look for the necessary funding in the years to come to eradicate this problem.

"I would also like to acknowledge the Representative from Hilo, as well as the Chair of Energy and Environmental Protection for the long hours it took to determine the appropriation. Thank you."

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

"Thank you, Mr. Speaker. You know, for years I knew the Representative from the Third District as the banker of my bank, the vice president of my bank which is Central Pacific Bank. But now, he is well-known throughout my district as 'Mr. Coqui Frog' because this poor little creature started in the district of Puna and nobody would pay any attention till he got on the job, and now we're going to do something about it. Thank you, Mr. Coqui Frog."

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

"Thank you, Mr. Speaker. On the same measure, in strong support. I'd like the words of the Representative from the Third District and also my kudos to him. Thank you."

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

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

"Mr. Speaker, in support of the measure. I'd like to thank the Representative from District 3 for being the champion and working so hard and diligently through all the jokes and the laughter and everything else, and getting this bill to the Floor today.

"Mr. Speaker, this is a Majority Package bill that we are proud to bring forward today and to address the issue. I want to also thank the Chair of the Energy and Environmental Protection Committee for her hard work in divvying up the limited funds so that all islands can eradicate the coqui frog epidemic. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure and asked that the remarks of Representative Tsuji 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. 1301, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 94 and H.B. No. 1758, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1758, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. I just want to thank the American Association of Retired People for shepherding this bill through. And with its passage, which I think will happen, we will probably have the best way to deal with our seniors who find themselves unemployed, and protecting them from having their unemployment insurance deducted by either pension payments or government payments. 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. 1758, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 95 and H.B. No. 325, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 325, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, this bill re-characterizes sick leave. It changes it in a way that I'm okay with and I'm in favor of. In fact, I voted up on this when this bill left the House. I pointed out then that the effective date would be better on January 1, in other words eight months from now, rather than right away. This may take effect in less than two months.

"The difficulty with that, Mr. Speaker, is that the disruption that this causes on a short notice is really belligerent on business, on businesses with employees. In fact, I believe, it is disruptive to the community as a whole. Because the businesses have not had time to make the adjustments necessary to accommodate the changes required in this bill.

"And the consumers suffer because there will be absences, if you will. If they were planned for, it would be okay, but now I believe that this bill would be disruptive and very expensive if

businesses have made their budgets way in advance and they're not prepared to accommodate this on short notice. And because of that, this is really a bad bill.

"The intent of it is good and if it was implemented in a fashion that could allow businesses to accommodate the re-characterization, then this is fine. But this is damaging to our economy and to our community, and to our good businesses. I vote no."

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

"Mr. Speaker, I stand in strong support of this measure. Mr. Speaker, this is a good bill to address a bad practice going on in our community right now. Just for the edification of some of the newer Members to this Body here. In 2003, this Legislature passed Act 44, which I believe was landmark legislation and put Hawaii at the forefront regarding the support for working families.

"What Act 44 did, Mr. Speaker, and it was passed with strong bipartisan support from my former colleague Dave Pendleton, the Representative from Kailua who's with us today, and some other Members. It was also approved by Governor Lingle, back in 2003. What it does, Mr. Speaker, is it allows the use of up to 10 days of sick leave for family leave purposes. And by that, Mr. Speaker, it will allow a parent or a spouse, or a husband or a wife, to tend to the needs of their sick or ailing child, or in-law, or sibling, to take care of them and receive the paid time off.

"And it's important, Mr. Speaker, because what we learned back in 2003, is a couple of things. Number one, approximately 60% of the working people out there are women. Number two, women still bear a disproportionate share of the child raising responsibilities in our households. Women also bear a disproportionate burden of caring for our sick and aging parents. Number three, Mr. Speaker, that this is just a small step in what we need to do in addressing the need of our working families.

"What this bill before us does, H.B. 325, which is co-authored by myself and Representative from Kailua, is to address the loophole and abuse that was taking place since the enactment of Act 44.

"What this does, Mr. Speaker, is allow the excess TDI insured portion approved by the Department of Labor to be used for sick leave purposes. This bill was drafted in conjunction with the Department of Labor and Industrial Relations Director Befitel and his staff at the Disability Branch over the summer. It was approved by the requisite Deputy Attorney General for the Department to address the loophole whereby businesses were seeking to get around Act 44 and its provisions, and the public policy therein, by over reporting all of their sick leave into a self-issued or TDI plan. That was never the intent of this Legislature back in 2003 under Act 44. And this bill addresses that loophole and it ensures that the public policy established in 2003 under Act 44, to honor and support our working families, would be recognized and become the law of the land. Thank you, Mr. Speaker."

Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. I would like to incorporate the words of the Majority Leader as my own. I am in opposition. However, I agree completely with what was just said. It was very well said.

"I just want to point out that most businesses are not exercising a loophole. That they're being very straightforward

in how they deal with sick leave. And I'm okay with modifying this, but it is disruptive, in fact belligerent to impose this change on such short notice for the majority of business that are currently using sick leave in a lawful way without, you know, implementing loopholes, etc.

"My only point in opposition, in sufficient opposition for me to vote no on this, is that it should start on January 1, in eight months, rather than within two months. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in strong support of the measure. Thank you, Mr. Speaker. I'm the Kailua Representative that was referred to by the Majority Leader.

"As to the delay in the effective date, tell that to a family that has a catastrophic illness. This is what this family leave bill is for. Tell that to that family and say you've got a husband that's just been diagnosed with cancer. That husband is going in to chemotherapy and radiation. You're going to have to do something about supporting him through this period of time but you have to go to work because you work for Verizon; and Verizon discovered the loophole, and Verizon won't let you access your earned sick leave up to 10 days. I mean, that's not major. But up to 10 days, so at least that catastrophic illness that has hit that family, at least the working spouse can have earned sick leave to be at home to care for her spouse. And be able to, in that 10 days try to make some other arrangements so that they can survive this period of time.

"I don't want to tell that family to wait till January 1st. I want to tell that family that that's available for you right now. You should have that sick leave when you have a catastrophic illness in your family and you should have had it all along. And Verizon, I hope you get the message. Thank you."

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

"Mr. Speaker, just a few brief remarks in opposition to this measure. This bill, like many others, is yet another bill that adds to the incredible burden that Hawaii's small businesses already face. The Representative from Maui has made an important point that now we are changing the game and giving small businesses almost no advance warning. This measure forces businesses to give employees sick leave days in excess of their temporary disability insurance benefits if it is for family purposes.

"Frankly, sick leave and family leave are for entirely different purposes and one should not be used for the other. Businesses will lose a tremendous amount of money if employees can take sick leave for as long as they want. Thank you, Mr. Speaker."

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

"Mr. Speaker, just brief comments in strong support. I wanted to point one thing out. I wasn't going to say anything, but after hearing the comments from the Representative from Laie, I just wanted to just add this.

"As we've heard, this is a bipartisan effort across the aisle. You have a Majority Leader and the Representative of Kailua, two different Parties working together. But, they also sat down, Mr. Speaker, with our Attorney General, and the Director of the Department of Labor and Industrial Relations, to craft this language together around the table.

"So, when people talk about that we are too partisan, there are many examples of when we do get together. And this is a product of that, and it is addressing the concerns of both business and the worker. It's fair, it's reasonable and it's been worked on by everyone who is a stakeholder. So I hope we all support it. Thank you very much, Mr. Speaker."

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. 325, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Halford and Meyer voting no.

At 4:25 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 931, HD 2, SD 2, CD 1
 H.B. No. 1750, SD 2, CD 1
 H.B. No. 852, HD 2, SD 2, CD 1
 H.B. No. 1276, HD 3, SD 1, CD 1
 H.B. No. 1301, HD 1, SD 2, CD 1
 H.B. No. 1758, HD 1, SD 1, CD 1
 H.B. No. 325, SD 2, CD 1

Conf. Com. Rep. No. 96 and H.B. No. 140, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 140, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 97 and H.B. No. 1317, HD 1, SD 1, CD 1:

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

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

"Mr. Speaker, I rise in opposition, and in the interest of time, just say a few comments. I do believe that we should still leave this open for discussion and not disallow a carve-out of the pharmaceutical drugs from the medical plans. This has a very close connection to a bill that will later pass, which is the State Pharmaceutical Assistance program. And one of the main points, I think with this is, is that we're trying to build a larger group so that we can get better rebates from drug manufacturers and the best way to do that is to find out more information and see if that's possible.

"The multi-state pool that's gathering together the Medicaid eligibles have the biggest use of pharmaceutical drugs, and bigger than \$6 billion worth. I think that's very important to remember, versus a different population in some of the other health plans that have healthier people, but they don't use as much pharmaceuticals. Thank you."

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

"Very briefly, in support, Mr. Speaker. I recognize the intelligent comments of the previous speaker. We went over this, and over this, in Health Committee. I just want to say that sometimes medicine is not about money. And it's a very important thing to remember.

"The groups that were not carved-out, quote unquote, have a very difficult job in taking care of some of our neediest people and we are going to very often look right to the money. The bottom line, we are going to look at what gives us the best opportunity to buy drugs cheaply, to deliver healthcare cheaply. That is important, there's no doubt about it. But it's not really the entire picture.

"People do deserve to have competent healthcare. These are large organizations and taking one piece of them, might compromise their ability to perform their job. So, I want us to remember that it's a very, very complex thing to deliver medical care. Thank you, Mr. Speaker."

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:

"In support. Mr. Speaker, this bill ensures that Medicaid beneficiaries continue to receive a broad range of medical coverage by prohibiting the Department of Human Services from removing prescription drug benefits from managed care plans that provide health care coverage for Hawaii Medicaid beneficiaries.

"The Hawaii Association of Health Plans, AlohaCare, Kaiser Permanente, and a concerned individual supported this bill.

"AlohaCare testified that under the current QUEST program the health plans manage all of the pharmaceuticals, and this has been very successful.

"AlohaCare expressed concern that DHS has not done its "due diligence" with its proposal to bring the aged, blind, and disabled into managed care. The care for this population could be disrupted if pharmacy benefits are "carved out" of the managed care programs, creating a risk to these patients' well-being.

"Further, AlohaCare noted that studies have shown that carving out pharmacy can have a negative impact both clinically and economically.

"Mr. Speaker, AlohaCare is owned by The Wai'anae Coast Comprehensive Health Center, which provides critical services to Leeward Coast residents.

"Please support this important bill."

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 98 and H.B. No. 1668, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1668, SD 1, CD 1,

entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 99 and H.B. No. 500, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 101 and S.B. No. 1038, SD 2, HD 1, CD 1:

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, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PROCUREMENT INSTITUTE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 102 and S.B. No. 1592, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1592, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 103 and S.B. No. 1732, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1732, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 104 and S.B. No. 3, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in strong support. And if I could take just few minutes to explain the importance of this measure and the lack of funds that should be part of this bill.

"Mr. Speaker, there's a work group consisting of representatives from the Department of Health, the Developmental Disabilities Division, the DD Council, the ARC of Hawaii, Kauai and Kona Krafts, and Hawaii Disability Rights Center, who worked together on this Conference Committee Draft. And they expressed urgency for funding and for the language of this bill.

"Mr. Speaker, many of our younger Members may not be aware. In fact, many of our veteran colleagues may not remember that over ten years ago, we mandated the closure of

Waimano Home and asked the Department of Health to develop plans to provide services and housing in less restrictive environments; or in plain language, home- and community-based care. The Waimano Home and Training School finally closed in June of 1999. In fact, there's another bill today that speaks of the issue of future use of these facilities and lands.

"The significant concern for us and the State of Hawaii is that the majority of the former residents that would have been cared for at the institution, are being cared for in home- and community-based facilities that are at risk of closing because we are not providing the intensive high-quality care that is needed for these former patients. And while the DD domiciliary homes or adult foster homes are proving to be more economical than institutional care, there is a level of funding that is needed in order to assure quality care.

"The impact of not providing funding would have a devastating domino effect for individuals currently residing in agency operated DD domiciliary homes and independent apartments. Essentially, this would mean approximately 90 individuals, many former residents of Waimano Training School and Hospital, may be displaced from the current residents and face homelessness.

"Just to cut to the core, Mr. Speaker, we did put in, thanks to the cooperation of our money Committees, about \$480,000 from the 'Rainy Day Fund.' And this is just going to be a safety net. We need to seriously look at the \$1.6 million that was originally requested to continue the quality care for these individuals.

"Mr. Speaker, if I can have the rest of my comments entered into the Journal. Thank you, Mr. Speaker."

Representative Arakaki's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of SB 3, SD 2, HD 2. Mr. Speaker, if I can take just a few minutes to explain the importance of this measure and the lack of funds that should be part of this bill.

"The work group consisting of representatives from the Department of Health, Developmental Disabilities (DD) Division; DD Council; the Arc of Hawaii; the Arc of Kauai; Kona Krafts; and Hawaii Disability Rights Center worked with your conference committee to express the urgency for funding and for the language of this bill.

"Mr. Speaker, many of our younger Members may not be aware, and many of our veteran colleagues may not remember, that over ten years ago, we mandated the closure of Waimano Home and asked the Department of Health to develop plans to provide services and housing in less restrictive environments or in plain language, home and community based care. The Waimano Home and Training School finally closed in June of 1999, and in fact, there is another bill today that speaks to the issue of future use of these facilities and lands.

"The significant concern for us and the State of Hawaii is that the majority of the former residents who would have been cared for at the institution are being cared for in homes and community based facilities that are at risk of closing because we are not providing the intensive, high quality care that is needed for these former patients. While the DD domiciliary homes or adult foster homes, are proving to be more economical than institutional care, there is a level of funding that is needed in order to assure quality care.

"The impact of not providing funding would have had a devastating domino effect for individuals currently residing in agency-operated DD domiciliary homes and independent

apartments. Essentially, this would mean approximately 90 individuals, many former residents of Waimano Training School and Hospital may be displaced from their current residences and face homelessness.

"The following are imminent outcomes:

1. Some or all of the agency homes and apartments will likely close before the end of the 2005-2006 fiscal year. The State would then need to find a way to provide these core services.
2. There is no ready resource of alternative housing. It is estimated that 50 percent of these individuals could become homeless.
3. Litigation could arise from the lack of funding of this legislation. If persons with mental illness continue to be served with adequately funded residential alternatives, while similar residences for persons with developmental disabilities are closed, there is sure to be litigation.
4. A huge federal, State, local, and private investment was made in these Agency-operated housing alternatives for people with DD. If these facilities are closed for lack of funding, they will be lost as a resource for low-income persons with DD forever. Under present real estate conditions, it is doubtful the system could be replicated in the future.
5. If all of these homes and apartments are closed, approximately 160 employees will lose their jobs.

"Some of Hawaii's most vulnerable citizens are facing a crisis of unprecedented proportion. Your help, support and swift action supporting the funding of SB 3, SD 2, HD 2's appropriation at any level is critical to assure the safety and well being of Hawaii's citizens with mental retardation and DD.

"Homes for these citizens are closing throughout the State. The Arc in Hawaii had to close four homes on Kauai last year, the only four homes on that island, and another four on Oahu. Of those eight homes, four have been taken over by the Adult Mental Health Division providers to provide residential services to people with mental illness, displacing people with DD or mental retardation. Similar occurrences are happening on Maui, Hawaii, and with other agencies here on Oahu.

"Discussions were held with the Department of Human Services (DHS) to explore the possibility of using TANF (Temporary Assistance for Needy Families) funds for implementing the bill. DHS has confirmed that it is not appropriate to use TANF funds for the purpose of this bill. The intent and purpose of this bill does not meet the criteria and is not consistent with the four purposes set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

"While we have provided emergency "safety net" funding through SB 1620, the Rainy Day Fund, we need to seriously look for funding to be provided in the budget in the future."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 105 and S.B. No. 1420, SD 2, HD 3, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1420, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in opposition. You know, I really learned more than I actually wanted to in regards to this bill because I felt that I had to. This to me, this bill, the way that it's comprised, does not make logical sense for me. I take a look at it and it says, some of the arguments for this bill were, well, what if you have an anti-psychotic? You know, an anti-psychotic drug is needed, then that person should get that anti-psychotic drug because it is more dangerous and more costly to have someone in that state without drugs. Good argument, except this bill is targeted at the fee-for-service portion of Medicaid and they don't have any restrictions in regards to anti-psychotic drugs.

"However, on the other side for the Med-QUEST program, which are the HMO and those plans, they do have those restrictions to those kinds of drugs and we've decided to carve them out. This isn't applied to them. So, that doesn't make sense to me.

"The other thing is, why should we, if we're going to exempt the plans, why should we deal with poor mentally ill differently, whether they're in a plan or whether they're in a fee-for-service. Shouldn't they both have access to these drugs? So that confuses me as well.

"And when sitting down with the stakeholders to really try and ask them the questions: Why do they want this? How can we make it better? Because DHS is basically, in my review of things, has been very responsible at opening up access, but still firstly in their group that decided what to put on the prior authorization or the PDL, Preferred Drug List. This group of psychiatrists, and doctors, and pharmacists look a look at all of the drugs and looked at the efficacy first, and then took it back to DHS, and then looked at costs second. And they came up with this plan of how to do it with the prior-authorization.

"One of the things we did discover, however, is that between the DHS prior authorization process, and the actual getting of the medications to the client, that the biggest problem was misconception from the doctors and misconception of the PA from the pharmacist. And so, a lot of that has to be worked out in order to get the open access that is thought of, or planned for, in the prior-authorization process.

"There are no additional appropriations, and it's possible that we, I guess, may not need additional appropriations for this. But I think we should have made that commitment if we are going to choose more expensive or have the flexibility of having more expensive drugs, that we should have some type of estimated appropriation for it.

"In general, when I look at this bill, I think that it doesn't sit well with me because it just doesn't make logical sense to me. Thank you."

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

"Mr. Speaker, in support. I believe that the concerns of that Department have been alleviated by the changes that were made in this bill. The State PDL that currently exists allows open access if a psychiatrist were to prescribe these types of psychotropic medications. This bill actually tracks that and adds one provision. The only provision that's in addition to the

existing PDL is that a licensed physician may also prescribe without restrictions, if within a certain period of time, they're in consultation with a psychiatrist licensed by the State.

"So, it's a great compromise, Mr. Speaker. It promotes safety, as well as to ensure that those individuals who need this will be able to get their medication without going unstable."

Representative Finnegan rose to respond, stating:

"Thank you. I'll make it short, Mr. Speaker, in opposition still. I spoke with DHS on this and reviewed this with them, and they are still in opposition to it. I don't necessarily think that it was compromised in regards to the language. We have to remember that in regards to safety, safety can work both ways.

"The PA process is put into place for safety measures as well. Right now, if you say, 'No, you have to allow any prescription,' to someone who needs psychotropic drugs. And for instance, there has been some press and some media in regards to Zoloft being dangerous for teens. And although it hasn't been proven yet, it's been said, in legal battle right now, to have caused some deaths, either through kids murdering their grandparents, and stuff like that.

"Well, at this point, we cannot take any safety precautions by having this bill because we cannot put any restrictions on there. So, safety can go both ways. If we don't put in something that says that if they put in a prescription, and maybe that's not the best practice, because we are allowing this for doctors and consultants with psychiatrist. So, I mean we have to think that it's also safety on the other side as well. Thank you."

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

"Forgive me, Mr. Speaker. Thank you, in support. The last statements muddle the issue. Safety, prior authorization, the issue on Zoloft, safety ... Well people who are taking Zoloft are disturbed. They've got severe mental health problems in some cases. Sometimes they have basic depression. You're going to see catastrophic situations, disasters. But those studies aren't yet scientifically published. You shouldn't bring those into this scientific discussion or dialogue.

"On this issue, psychotropic medications, I agree we are only a third of the way on this bill. There are complex misunderstandings about access to psychotropic medications, most of which could be solved with education. I do think that we have got to go the other two-thirds and really work harder to make sure access is completely smooth for people who have these needs. These are the most needy and sickest individuals. 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 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 106 and S.B. No. 791, SD 2, HD 2, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A

CONTINUUM OF HEALTH CARE SETTINGS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 107 and S.B. No. 807, SD 1, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 108 and S.B. No. 960, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 960, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. In a twist at the last minute, this Conference Committee decided to take funding for this bill out of the Hurricane Relief Fund. That should remain for the people who contributed to the Fund, to provide a Fund that enables it to survive the next hurricane, which surely will come."

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

"Thank you, Mr. Speaker. In opposition. Some might say there's a nexus between the Hurricane Relief Fund and shelters. You know, you can make that stretch. However, the Hurricane Relief Fund was designated to keep the insurance pool. In case of another hurricane, we need that. If we think that shelters are important, as I do, we should appropriate some general fund money for it. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. Mr. Speaker, this measure entitled: Disaster Emergency Preparedness Act of 2005, is an unprecedented attempt by our State to be ready when a natural or man-made disaster occurs. Mr. Speaker, I would like to thank members of the State Office of Civil Defense, especially Mr. Ed Teixeira, Mr. Larry Kanda and Mr. Brian Yanagi for bringing this Legislature up to speed on our tsunami preparedness efforts and alerting us to areas of inadequacy.

"Mr. Speaker, at a joint informational briefing in January, your Committees on Public Safety & Military Affairs, and Tourism & Culture heard first-hand from various State, local and federal agencies about the risk of a tsunami hitting our shores. As a result, your Committee on Public Safety & Military Affairs made tsunami preparedness a priority this Session to bring our State up to speed. After several House bills were introduced, this measure was the only one that survived, which encompasses all requests made by the Office of Civil Defense.

"Mr. Speaker, in January, the Indian Ocean tsunami was fresh in our minds, and none of us could believe that Mother Nature could cause such devastation. We cannot forget that although hurricanes usually occur during hurricane season, tsunamis can occur at any time.

"Mr. Teixeira, Vice Director of Civil Defense presented an hour-long power point presentation at the Informational briefing, detailing the risks involved if a tsunami were to reach our shores. Mr. Teixeira hypothesized the effects of a tsunami if an earthquake occurred in Chile, Peru, Alaska, or even the Big Island, and noted that a tsunami could reach our shores within four short hours or less. Mr. Teixeira warned members that if an earthquake of 6.9 or higher occurred in Seismic Area 4, the fault zones of Puna and Ka'u, a tsunami would hit the shores of Honolulu within 27 minutes. Warnings would have to be immediate and accurate.

"Mr. Teixeira told members and was quoted in a local newspaper that "our antiquated maps and alarm systems could hamper efforts to protect people against the ravages of a deadly wave." He also noted that, "among natural disasters, the tsunami is the number one killer in the islands, responsible for 222 fatalities in the 20th century." I am positive that our fellow colleague, from Ka'u/South Kona remembers that day very clearly.

"Mr. Speaker, Mr. Teixeira also warned that the tsunami warning maps found in our phone books have not been updated since 1991, and efforts at the University of Hawaii need more funding to target high-risk areas and get the phone books updated.

"In order for the Office of Civil Defense to operate with full expectations, their efforts with the Pacific Tsunami Warning Center require funding, and without it the health and safety of Hawaii's citizens and tourists are threatened. The vision of Waikiki in such a panicked state brought chills to Murray Towill of the Hawaii Hotel and Lodging Association, who warned that, "visitors in Waikiki need to know that evacuation must be made vertically because traffic is already bottlenecked."

"Brian Yanagi, the Earthquake Program Manager of the State Civil Defense, made things clear in a January 2005 Midweek article when he said, "[i]t's not a matter of if a tsunami will hit, but when." He said "Hawaii is more susceptible, is more prone to destructive tsunamis than the Indian Ocean countries because Hawaii sits in the middle of the Pacific Ring of Fire, a volatile circle, ripe for earthquakes and underwater landslides."

"The Disaster Preparedness Act of 2005 is an attempt to bring Hawaii up to speed. Although many may disagree on the method of financing being used for this measure, it is without a doubt that in times of a natural disaster, we must be prepared for the worst. And due to the tight budget this Session, Mr. Speaker, it is common sense to tap into a well-connected resource with an obvious nexus.

"We will not forget the gruesome images of the December 26 Indian Ocean tsunami. Neither will we forget the scenes ..."

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

Representative Ito continued, stating:

"Thank you very much, Representative. We will not forget the scenes of locals and tourists walking toward the ocean, curious about the first wave, only to be swept away by the second wave. In order to avoid similar disasters from occurring, it is our State's duty and responsibility to prepare our citizens by raising awareness, improving emergency shelters, updating sirens and providing around the clock emergency service.

"Mr. Speaker, the only way to be ready for such a disaster and mitigate loss is to retrofit emergency shelters, update our

maps, raise awareness, update our sirens and provide a twenty-four hour emergency response team. There is no doubt that this measure is necessary. I urge Members to support this measure. Thank you."

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

"Thank you, Mr. Speaker. In support with some reservations and my reservations are that if we would develop the Hawaii Natural Disaster Relief Fund, which I think we should do, then we don't have to deal with bills like this. 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. 960, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Halford, Meyer, Moses, Pine and Thielen voting no.

Conf. Com. Rep. No. 109 and S.B. No. 669, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 110 and S.B. No. 1451, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVING WATER QUALITY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 111 and S.B. No. 1250, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1250, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL SUBSTITUTE TEACHERS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 112 and S.B. No. 682, SD 2, HD 3, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 682, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to declare a potential conflict of interest. My family is with the retailing business," and the Chair declared, "no conflict."

Representative Kawakami continued in support of the measure, stating:

"Mr. Speaker and colleagues, I rise to speak in support of S.B. 682, CD 1, Relating to Tobacco. The measure, I believe this current version of S.B. 682 will achieve what has always been the original intent of the bill; to identify and prosecute those illegally selling untaxed cigarettes, and cigarettes to minors. This measure does just that without placing the burden on the honest merchants who make up the overwhelming majority.

"Rather than paying a permit fee of \$100, the fee is now a reasonable \$20. Moreover, the measure now includes a sunset date of July 1, 2009, enabling the Legislature the opportunity for review and fine tuning as data is analyzed and processed. S.B. 682 is a step in the right direction regarding the proper enforcement of our laws and the protection of our children.

"To my colleagues who helped craft this CD 1, and also to you, Mr. Speaker, we extend our warmest mahalo for the collaborative efforts that resulted in a bill that all stakeholders could agree with. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, in support. Mr. Speaker, in regards to Senate Bill 682, I want to thank the Chair of Health and Vice Chair of Judiciary for working with all the other Conferees on this compromise. I would also like to thank the Representatives from Waimea, Upcountry Maui, Wailuku, Mililani, and Waipahu for all their suggestions.

"The concerns some of us had were with the penalties businesses would face. We took out most of the 'gross negligence language' and emphasized the 'intent' and 'fraudulent' language.

"The main concern I have with the bill is allowing the Attorney General rulemaking authority. When I asked him what he plans to do with it, he stated that he wanted to get more penalties on businesses. So, now I'm a little confused because I thought the intent was to punish the black market, especially when the punishment deals with revocation of a license to do business and possible jail time. However, the Attorney General gave us his word that the rules will be fair, and he will show them to the Legislature. As a compromise, we placed a sunset date of July 1, 2009 so we can analyze the work of the Attorney General to see if he does what he says he will do.

"Even though there are parts of this bill that I still have concerns with, I think we did the best we could do and found a compromise. So, although, I did not have the pleasure of meeting this person, I hope Speaker Richard Kawakami is proud of our efforts. And you know, I think we did the best that we could do. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I thought the Vice Chair of Finance did an excellent job of stating the facts of the bill, as did the Vice Chair of Tourism. I just want to say for the record that this is one of those Administration bills that I think really demonstrates what can happen when people work together. We have the Department of Taxation, the AG's Office, as well as representation from Finance, Consumer Protection and of course, Health Committees. And you know, we all looked at it from our own prospective. It was sort of like the blind people looking at or feeling the elephant, or if you're a Democrat, the donkey. We all had different perspectives, but we brought them all together and were able to work on the concerns.

"I'd like to thank those who helped, especially the Vice Chair of Judiciary, our Majority Floor Leader, who helped to craft the language that addressed many of the concerns.

"But I think moving forward, this will help us to meet the maintenance of effort in terms of controlling tobacco required by the Tobacco Settlement Fund. So, thanks to all, and thank you, Mr. Speaker for your assistance as well."

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

"Thank you, Mr. Speaker. I'm rising in support and also to declare a possible conflict. I am also an operator of a retail outlet," and the Chair declared, "no conflict."

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

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

"Mr. Speaker, in support with some reservations. Actually, I'm just going to make a point to one reservation that I think remains and stands out. Mr. Speaker, on page 7 of this bill is the unlawful tobacco retailing in the first degree section.

"What has occurred, since the introduction of this bill, is that it would change the state of mind from a strict liability, to a reasonable state of mind; which is intentional, or knowing, or willful, so that the permit holder or the person in charge will know that his conduct will result in a conviction.

"Also, what has been changed is the penalty for unlawful tobacco retailing in the first degree to be changed to a misdemeanor, unless a subsequent offense within 5 years would occur, and then it would still be a Class C felony.

"What worries me, Mr. Speaker, is that there is a reckless provision. The intentional or the knowingly state of mind only applies to the obtaining of the permit. However, the selling, the possession and distribution and transporting refers to a reckless state of mind.

"Additionally, I would like to point out that the permit holder, that's addressed by this section, points to a person or an entity. So, if it is a criminal conviction suffered by an entity I would question what would happen. If a corporation would be the permit holder and operates a retail business, an employee would violate this by selling recklessly, etc., in violation of statute, would the permit holder be in violation? According to this, it seems the permit holder will be. But did the owner of the corporation, the stockholder, have anything to do with that person's intent, or this person's violation of this? Of course. But how can any owner, a reasonable owner, have a 24-hour watch over their sales people?

"So the violation did occur. You fire that person. You hire someone else and another violation occurs within 5 years. What would happen Mr. Speaker? You can't put the owner in jail, of course. I don't believe that you can. However, it says here that the permit holder, if it's an entity, something has to happen. And accordingly, what would happen is that it would result in the dissolution of that corporation. So, is this what we are intending to do?

"So, I'm happy for the changes made, however, there remains some reservations on this on my part. And also, I'm thankful for the hard work that the Judiciary Vice Chair in this, and the insertion of the drop-dead date will insure that we can follow

up on this to see how it's going to be enforced out there in the community. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. The previous speaker from Village Park mentioned the AG's comments about cracking down on business. I'm sure the comments were directed toward those businesses who are violating the law, not businesses who uphold the law. I think that was the purpose of this entire measure. To get the businesses that are violating the law."

Representative Finnegan rose in support of the measure and asked that the remarks of Representative Kawakami 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 S.B. No. 682, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 113 and S.B. No. 802, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 802, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Takumi's written remarks are as follows:

"Mr. Speaker, it's rather ironic that the Lingle Administration introduced this bill since it is necessary as a result of the Bush Administration's passage of the Medicare part D law. I could cite many reasons, but let me just focus on the issue of the "dual eligibles." Over 6.4 million Americans are eligible for both Medicare and Medicaid; hence, they are dual eligibles. The Medicaid drug coverage for dual eligibles will end on December 31, 2005.

"The Medicare law explicitly prohibits price negotiations paid by the federal government for prescription drugs. The federal government negotiates these same medications currently provided to dual eligibles under Medicaid. The result? The cost of these drugs, which will be reimbursed by the states to the federal government is likely to increase in the absence of price negotiation, and is not estimated by the Bush Administration to cost \$530 billion over the next ten years. Is it any wonder that the prescription drug industry supported this new law?

"As we know, Medicaid is for the most vulnerable among us. The Life Foundation estimates that people living with AIDS who must now enroll in this new Medicare program will see their out-of-pocket expenses for drugs will increase from \$0 to as much as \$3,500.

"This is the reason for the bill before us. It seeks to help those who no longer will be able to get drugs through Medicaid and will now incur higher costs when enrolling in the Medicare part D program. The initial cost will be over \$2 million a year. This cost will only go up especially with the recent budget proposal by the Bush Administration cutting \$10 billion from Medicaid thereby shifting the costs to the states. Hawaii's share of this cut is estimated to be almost \$33 million.

"Clearly, changes need to be made to the new Medicaid law but, in the meantime, we need to respond to those who will be adversely affected by it.

"It is for this reason, I stand in support."

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

"Thank you, Mr. Speaker. Just to follow up. This is the SPAP program, the State Pharmacy Assistance Program, in support. And one of the main funding mechanisms for this is the multi-state pool that was supposed to help raise funds so that we can be able to give help to those who will be having co-payments when the Medicare prescription drug plan will be coming into effect next January. And now, I'm not sure what type of limited help or what kind of help will be available. 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. 802, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE PHARMACY ASSISTANCE PROGRAM," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 114 and S.B. No. 27, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 27, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of CCR 114 and the attached S.B. 27. First, let me reference a correction in the Committee Report, on the first page of Conference Committee Report No. 114. The third paragraph that reads quote, "The purpose of this measure is to appropriate funds for non-school hour programs for children and youth," was inadvertently added and should be omitted from the official record.

"Secondly, I would like the record to reflect that this bill be dedicated in memory of 'Peter Boy' Kema. And while I fervently pray that he is still alive, healthy, and a happy 14 year old who just celebrated his birthday this weekend, given the records that were revealed this past weekend, I fear the worst.

"This bill, Mr. Speaker, will go a long way in providing greater assurance, that children like Peter Boy, who suffered horrific abuse almost from the time he was born, will have a loud and active advocate on their behalf if the forensic examinations provided by the program proves that the injuries were intentional.

"In the last five years, child abuse in Hawaii has escalated with the numbers of both reported and confirmed cases increasing by 31% from 1999-2003. At the same time, child abuses emerged as an area of expertise in medicine. Few clinicians have the training, knowledge and resources needed to perform these medical legal evaluations for the requisite skills.

"Furthermore, few clinicians have the experience necessary to be qualified as an expert in the court system. The Kapiolani CARE Program was begun with private and time-limited funding to respond to the gap in 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 child welfare services 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 worker, police and attorneys in the medical aspects of child abuse and neglect. Mr. Speaker, the Kapiolani CARE Program will provide a valuable instrument in the child welfare's social worker's toolbox in order to better protect children, especially those who are the most vulnerable ages 0-5.

"And I'm happy to report and glad that we're able to provide \$200,000 in this bill, and another \$250,000 in the 'Rainy Day Fund' bill. In addition to that, they hope to get Medicaid funding reimbursements.

"I just want to close my comments with this quote from Gabriela Mistral, a Nobel Prize winning poet from Chile. And she says quote, "We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait; the child, cannot. Right now is the time his bones are being formed, his blood is being made and its senses are being developed. To him and to her, we cannot answer tomorrow. Their name is today." I urge all of you to support S.B. 27 on Final Reading. Thank you, Mr. Speaker."

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 strong support of SB 27, SD 1, HD 1, CD 1: Making an Appropriation for the Kapiolani Child At-Risk Evaluation Program.

"The Kapiolani CARE program provides comprehensive, coordinated and compassionate forensic health services to children who are victims or suspected victims of abuse and neglect.

"SB 27 provides \$200,000 for the Kapiolani Child At-Risk Evaluation Program for the fiscal year 2005-2006.

"I urge my colleagues to support this measure that will ensure continuation of the valuable service for our children who may have been victims of abuse. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. Just short comments in very strong support. Mistakes have been made leaving children in bad homes and taking away children from good homes. This bill definitely will help in regards to making good decisions. Thank you."

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

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

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

"Mr. Speaker, in strong support with the words of the Health Chair as my own. And I particularly want to call attention to his dedication to Peter Kema, who is a boy from my district. 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, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAPIOLANI CHILD AT-RISK EVALUATION PROGRAM," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 115 and S.B. No. 1816, SD 2, HD 2, CD 1:

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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUBSTANCE ABUSE ASSESSMENT REFERRALS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 116 and S.B. No. 1661, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1661, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 117 and S.B. No. 1394, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1394, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

At 5:04 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 140, HD 1, SD 2, CD 1
 H.B. No. 1317, HD 1, SD 1, CD 1
 H.B. No. 1668, SD 1, CD 1
 H.B. No. 500, HD 2, SD 2, CD 1
 S.B. No. 1038, SD 2, HD 1, CD 1
 S.B. No. 1592, SD 1, HD 2, CD 1
 S.B. No. 1732, SD 1, HD 1, CD 1
 S.B. No. 3, SD 2, HD 2, CD 1
 S.B. No. 1420, SD 2, HD 3, CD 1
 S.B. No. 791, SD 2, HD 2, CD 1
 S.B. No. 807, SD 1, HD 1, CD 1
 S.B. No. 960, HD 1, CD 1
 S.B. No. 669, SD 2, HD 1, CD 1
 S.B. No. 1451, SD 2, HD 1, CD 1
 S.B. No. 1250, SD 2, HD 2, CD 1
 S.B. No. 682, SD 2, HD 3, CD 1
 S.B. No. 802, SD 2, HD 1, CD 1
 S.B. No. 27, SD 1, HD 1, CD 1

S.B. No. 1816, SD 2, HD 2, CD 1
 S.B. No. 1661, SD 2, HD 2, CD 1
 S.B. No. 1394, SD 2, HD 2, CD 1

At 5:05 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 5:12 o'clock p.m.

At this time, the Chair stated:

"Members at this time, we will be addressing three pages at a time. So, we will be on pages 18, 19 and 20. But may I ask that I turn your attention to page 19, Conference Committee Report No. 128, S.B. 935, SD 1, HD 1, CD 1, will be recommitted."

Conf. Com. Rep. No. 128 and S.B. No. 935, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and S.B. No. 935, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," were recommitted to the Committee on Conference, with Representatives Abinsay, Cabanilla, Halford, Hiraki, Kahikina, Nakasone, Saiki, Schatz, Souki and Takamine being excused.

Conf. Com. Rep. No. 118 and S.B. No. 1814, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1814, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 119 and S.B. No. 1643, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1643, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in strong support of this bill. You know naturally, charter schools seem to have a sense of competition with regular DOE schools and so that's why it's really hard to get everybody on board and try to work in the same direction. And although with the charter schools we had some difficulties obtaining what they would consider fair funding or equity in funding. I think that this bill really starts to move in the right direction.

"And I did see, fortunately, people coming together and trying to do their best with limited funds. We were thanking a lot of people in Conference Committee and I also wanted to mention, thanks to the Governor for her support. But really wanted to say thank you to the leadership, and to the Chair of our Education, because he was looking out for the charters, as well as the Department of Education, and move forward

something that I think we can take a look at and improve the charter school situation. 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. 1643, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 120 and S.B. No. 1780, SD 2, HD 2, CD 1:

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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 121 and S.B. No. 1262, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1262, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. This bill is extremely important to the Waianae Coast where there have been a number of conflicts between the fishermen and the commercial vessels out there. And I really want to thank the Representative from Kauai for her hard work on this bill, as well as the other Members of this Legislature for supporting it. Thank you."

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:

"In strong support of SB 1262, Relating to the Waianae Coast.

"There has been an increase in the usage of beach parks and State boating facilities to accommodate ocean recreation activities between Kalaeloa and Kaena. The problem is that there has been a significant impact on traditional commercial fishing activities, as well as other non-commercial ocean recreational activities.

"This legislation will provide and mandate DLNR to do a baseline environment study leading to a plan and rules to govern ocean activities in the Waianae Coast area."

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

"Thank you, Mr. Speaker. On 121, I'm in support. I have one concern that I want to just raise right now. DLNR is already doing this study, which is badly needed. I agree with that. My only concern is, and Members of the Legislature told me I don't need to have this concern, but I'm going to raise it anyway.

"You know, ferries. If we ever decide to have ferryboats on this island, as the Mayor is trying, they would also maybe go in the areas where there are fishing boats. And I just want to make sure that the commercial boats, the ferries, everybody

should stay out of the way of the fishermen fishing. But this may somehow interfere with us having the ferries that we so desperately need on the island. 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 122 and S.B. No. 1554, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1554, SD 1, HD 2, CD 1, pass Final 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 rise in strong support of Conference Committee Report No. 122 and SB 1554, SD 1, HD 1, CD 1, Relating to the Environment.

"In the year 2001 when dengue broke out in Hana, it was through the establishment of this Emergency Environmental workforce legislation that the community, working in partnership with the State, was able to conquer the spread of dengue by transmission through mosquitoes.

"As the program states, 'emergency environmental workforce' is purely the purpose of its existence and available to any community as needed."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1554, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 123 and S.B. No. 1620, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1620, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm not going to make a long speech, but I'm in opposition to 123. It is for a very good purpose as other bills have been. It's for health and human services. However, it uses the Emergency Budget and Reserve Fund, the 'Rainy Day Fund.' Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support of this bill but I do have some reservations. I want to thank the Finance Committee and the various Chairs that saw to it that we did get some money in this emergency fund for the Kahuku Hospital, which is so vital to the area that I represent, and also to my friend from Haleiwa. So, that was something that I was

grateful to see there. But, I am troubled because the way we handle our budget and year after year, use money out of the emergency fund for social programs and that is not what that fund is for.

"I want to refer to a study that was talked about in January in the newspapers here. This is a study done by the Pew Foundation. And the entire study was printed in the government performance project and is published in the magazine *Governing*. This study is one of the nation's only sources for comprehensive and independent information about state management performance.

"In its 2005 findings, Hawaii's governance was given a C grade. The lowest grade given was a C-. There were only two states that were lower than us and the two states with the highest score of A- were Utah and Virginia. The study cites the State's yearly raids of the 'Rainy Day Fund' as one of Hawaii's government's biggest problems. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. On the same measure, I stand in strong support. I'd like to thank the Chairs in both the House and the Senate for passing this. I'd like to echo the Representative from Laie that this will basically help all the rural hospitals we have, like Hana, Molokai, Waianae, and especially Kahuku. Thank you."

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

"Thank you, Mr. Speaker. In strong support. It wasn't easy. I just want to thank my Co-Chairs both on the House side and my counterparts on the Senate side. It wasn't easy to decide on these needed health and human services programs because we did have a ceiling to work with. And I just want to point out that the amount that was given to us as a ceiling represents the interest off of the 'Rainy Day Fund'. And it doesn't touch the corpus, so it really shouldn't affect the bond rating or financial rating of the State because we retain the corpus.

"I also want to point out that I do agree with the previous speaker that a lot of these programs should be funded in the budget. But obviously, the budget is also limited and sometimes we have to look at which programs really need to be funded on an emergency basis. A lot of these programs are funded on a one-year basis. Hopefully we can fit them into the budget next year, but we're going to have to find the additional resources.

"But for now, I'm ready to defend and justify each and every appropriation if anyone has any questions. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support with reservations. The Representative from Kahaluu is absolutely right that we are again being low-graded as a State because we misuse the 'Rainy Day Fund'. Now, the creation of the 'Rainy Day Fund' several years ago was a positive step forward by the State, done by the Legislature, done with and understanding that the State needs to build up 'Rainy Day Funds' in good times so that they can handle bad times, and that's just like a general rule now.

"Throughout the United States, people know you need this kind of Fund. And of course, in this stage, we're supposed to be building up the Fund. The interest should be going in to

enlarging the 'Rainy Day Fund' so that we would be in a good position to survive the next downturn.

"Now, when we first tapped the 'Rainy Day Fund' I don't think any of us doubted in those grim days, in the late 90s, that it was raining in Hawaii and it was appropriate to tap the Fund. But those days are gone. We should be appropriating money out of the general fund to take care of these social services needs. And the fact that we aren't is a black mark on the State of Hawaii. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. I would just very briefly like to say that those grim days are not gone for all people. It is raining on a large percentage of our population and that is why we have to use these funds in some very important places because it's not just raining, it's pouring on some of our people in Hawaii."

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

"Thank you, Mr. Speaker, in support with reservations. And I concur with previous speakers that these organizations are indeed very worthy of funding. I just have concerns about the source of funding and prefer that it comes out of the general fund."

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

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

"Thank you, Mr. Speaker. I'm in strong support of the bill with reservations on where the monies come from. 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. 1620, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Moses voting no.

Conf. Com. Rep. No. 124 and S.B. No. 212, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 212, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support of this measure. First of all, I'd like to thank the freshman Representative from Mililani and the Representative from Enchanted Lakes for your hard work in putting this bill together. And I think, without their support, we wouldn't have made the corrections to the bill that would be more beneficial to the retailers and the recyclers.

"And, I think this is a good measure to bring the recyclers and the retailers in to make the Bottle Law a better law for consumers. Thank you."

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

"Mr. Speaker, I rise in strong support. I'd like to thank the Chair of the EEP Committee, and also ask to submit written comments into the Journal. Thank you."

Representative Chong's written remarks are as follows:

"Mr. Speaker, I am in strong support. As a freshmen legislator, one of the issues that concern my constituents has been the implementation of the bottle law. The major concern has been the lack of redemption sites during convenient hours. In working with the Chair of EEP, we have developed a bill that we believe, will encourage more redemption sites, specifically at retail locations. I believe this is key for the success of the bottle law. Consumers want to redeem their bottles, cans and glass at the point of purchase. In addition, this will provide more assistance for rural areas that have limited or no access to redemption sites. Lastly this assists businesses, both retail and recyclers in setting up those sites. I ask that my fellow Members support this bill."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. S.B. 212, SD 1, represents life support legislation for the Hi5 Program. It is a desperate attempt to salvage the Bottle Bill at any cost, throwing good money after bad.

"This bill will use \$6 million out of the Beverage Container Deposit Special Fund, bankroll, the reverse vending machine rebate program, and implement a new redemption center and recycling infrastructure improvement program. In other words, pay people to please establish convenient redemption centers so this flawed program will work.

"Who's money are we spending? It's the money from the thousands of Hawaii's citizens who have been forced to pay deposits, but have better things to do, more important things, than stand in lines for countless hours trying to get their nickels back. Since the redemption rate has never gone over 32%, there's plenty of money in the Beverage Container Special Fund for this give away program.

"I strongly support recycling and reusing valuable resources. However, I do not support the bottle bill, primarily, because it recovers such a small percentage of the waste stream going in to our landfills. The facts are there. A comprehensive curbside recycling program is far more user-friendly, more efficient, more cost-effective, recycles far more material, and is overall simply better for Hawaii's environment. There is a big difference between comprehensive recycling and beverage container redemptions.

"Curbside recycling encourages recycling not just of the marked containers, but all paper, plastic, glass, aluminum, etc. Instead, this Bottle Bill, which we've heard so much about this year, focuses people's attention on getting their nickels back from the government. Is this the lesson we want to teach our keiki? That they need to be paid to do the right thing?"

"Replacing the flawed Bottle Bill with a more comprehensive recycling program is a sound investment in Hawaii's environmental future. While the Committees' changes to this bill are an improvement over what it was earlier in this Session, it's still just 'lipstick on a pig'. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in strong support of this bill and of the underlying Bottle Bill. It's the only solution for a rural area like

the one that I represent. It's impossible to do curbside recycling while we have no curbs in Puna. So, I congratulate the Conference Committee and the underlying Committees that worked on this bill. Anything that we can do to encourage our people to recycle, and we have done it in Puna. We have one of the best recycling centers in the whole State. But people have to collect it and take it to a transfer station in order to make it work.

"We can't possibly have curbside recycling in the rural areas. In Honolulu, maybe it is. And I understand the City and County is going ahead with recycling. More power to them.

"When I was in the County Board of Supervisors some 50 years ago, we stopped collecting garbage as a County program because it was too expensive and we turned it over to private vendors. We don't have, on our island, any kind of public trash pick-up. You pay a private vendor, or you go to a transfer station, or to the dump. So, to me, I congratulate them.

"I was on the Representative from Kauai's Committee when she first crafted this, and I was so happy because for years the people on my island have talked about a Bottle Bill and we finally have it thanks to her efforts. 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. 212, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Finnegan, Meyer and Stonebraker voting no.

Conf. Com. Rep. No. 125 and S.B. No. 617, SD 1, HD 1, CD 1:

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, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETER SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 126 and S.B. No. 708, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 708, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. I just wanted to take this opportunity to just thank the members of the Judiciary Committee, and especially the Majority Floor Leader. We spent so many countless hours in drafting this legislation. It was one of those pieces of legislation that we invested a lot of time and effort into. And the end product that we were able to come up with was a really good compromise.

"At this time, I wanted to thank the members of the Judiciary Committee, and especially our counterpart in the Senate for working with us on crafting this legislation.

"And also, we cannot forget the interim work that we charged the task force with. I don't remember what the task force S.R. was, but the task force included members of the law enforcement coalition, the ACLU, Attorney General's Office, the Prosecutor's Office, the police department, and the private defense bar. And although they weren't able to come out with a

compromise, they set the stage for the discussion that we had. So, I wanted to just publicly thank all the members who worked on the task force. 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. 708, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 127 and S.B. No. 813, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 813, SD 2, HD 2, CD 1, pass Final 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 bill sets a very bad precedent by restricting the Governor's power to release funds to an agency of the State, mainly the Department of Labor, until all funds have been dispersed to the several counties.

"The way the program works, the counties expend funds and then submit a bill to the Department of Labor to be reimbursed their costs. It could take a very long time for the counties to get their various programs up and running, and submit invoices for reimbursement, and consequently, holding the State's own programs hostage because county funds have not all been timely, fully, and completely released.

"The funding formula contained in the bill does not reflect the earlier consensus that the Department of Labor reached with the four counties. The Department of Labor feels the earlier formula was fair to the Neighbor Island counties, but Oahu balked at the last minute and demanded an even bigger piece of the pie.

"Another problem with this bill, and I was on this Conference Committee and I did vote with reservations. It has an allocation of funds tied to the eradication of coqui frogs and I don't believe that that's an appropriate use of the Reed Act Funds. The bill does have savings clause, which I think indicates that the people who drafted it were a little bit worried about the provisions that are in the bill.

"Section 6 of the bill says, "if any provision of this Act is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, the conflicting provision of this Act shall be held inoperative solely to the extent of the conflict". So, you know that something's up when that's put in there. So, those are my reasons for voting no. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support. Mr. Speaker, I think this result that is before this Body today, is an example of the State Legislature trying to work with each of our counties. We've heard much stated in the past couple years about homerule and giving the power back to the counties to make decisions because they're best able to make those decisions. They're in the field, it's grassroots. And this is what this bill is all about.

"When the bill was introduced, on behalf of the Administration, the bulk of the money was centralized in the

Department of Labor and Industrial Relations. And then, they in turn were going to be dishing it out depending on how they saw fit after updating their computers. But what the Legislature did is, we reached out to each of the counties, sat down and worked with them through countless hours to ask them how they could best use these Reed Act Funds of which there are \$31 million worth of them, Mr. Speaker.

"We heard from those counties. They requested substantially more than what the Department of Labor and Industrial Relations was willing to give to them. We reached agreement with those counties and began to redraft the legislation, at which time the Executive branch stepped in, 'strong armed' each of the counties to try to get them to cooperate with the Department of Labor and Industrial Relations saying they would agree to doubling the funding that this Legislature was willing to give them in exchange for support for more money for the Department of Labor and Industrial Relations. Mr. Speaker, we believe the counties did speak, and we've tried to address the concerns through this legislation.

"As far as the concern about the appropriate use of Reed Act funds, there are provisions that you'll read here where they mention the name Wagner-Peyser funds. Those are not Reed Act Funds. They are supplemental funds also used in workforce development. And so when the mention of coqui frogs is referred to, it's not Reed Act funds we're talking about; we're talking about Wagner-Peyser funds that are freed up because they would all otherwise have gone to other purposes. But the Reed Act funds will allow them to use it for these other additional purposes. And these are good things, Mr. Speaker. We've heard speeches today from the Representative from Hilo regarding the coqui frog problem and invasive species in our State, and these are geared to address those problems.

"Mr. Speaker, finally, regarding the savings clause issue, I'm sure that the Representative from Laie knows that in Chapter 1 of HRS, there is a savings clause provision that applies automatically to any provisions relating to HRS. Part of this legislation does pertain to HRS, but there's also Session Law language. And as I'm sure the Representative from Laie also knows that in order to ensure that there is consistency, you must reference a savings clause in these Session Laws, which is the reason for doing that, Mr. Speaker.

"I believe that this is good legislation. We've heard the counties speak. We're addressing their needs, and we're looking forward to seeing these funds given out to those counties so that they can go forward with the job they need to get done. 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 S.B. No. 813, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Meyer voting no.

Conf. Com. Rep. No. 129 and S.B. No. 962, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 962, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Stonebraker voting no.

Conf. Com. Rep. No. 130 and S.B. No. 1808, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1808, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise to speak in opposition to this measure. We do have certain legislators in this Body who seem like frustrated administrators and prepare bills and push them through that try to have the Legislature serve *in loco parentis* for the Administration. And this is probably the most egregious example.

"Because I sit on the Labor Committee, I have had the benefit of seeing this bill in several forms. This bill, is of course the bill that takes away the power of the Director of Labor and Industrial Relations to do his job, which is to issue administrative rules.

"As I was pointing out, this is the bill that ties the hands of the Director of Labor and Industrial Relations for a period of time. When I first heard this bill, it wasn't until the end of what might be the second term of the current Governor. And when that was pointed out, it was adjusted to then end of what might be the first term of the current Governor. And then, it ended up on July 1, 2007, which is a more neutral date. It doesn't seem to be exactly pinned to the term of the Governor.

"We have a strong need to have an Administration operating to execute the rules and regulations that the Legislature sets by frames of law. This is a strong need because we are out of Session two-thirds of the year and matters come up that have to be dealt with by the Administration.

"This is also a reflection of the separation of powers between the Legislative and Executive branch. We lay out policy; the Executive branch executes. We have to be comfortable setting out policy. Not telling specific administrators they can't do their job for a certain period of time. I really think this bill is an embarrassment. 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. 1808, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," passed Final Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 131 and H.B. No. 390, HD 1, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 132 and H.B. No. 168, HD 2, SD 1, CD 1

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH

AND DEVELOPMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 133 and H.B. No. 1641, HD 1, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 134 and H.B. No. 1614, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1614, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE PERSONNEL," passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Meyer and Stonebraker voting no.

Conf. Com. Rep. No. 135 and H.B. No. 109, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 109, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in support with brief comments because this measure represents a part of our longstanding efforts to reform the State's land use statutes.

"The original intent of this bill is primarily to prohibit luxury estates, on agriculturally classified lands, which we will fully address next Session.

"This bill begins that process by prospectively prohibiting golf courses and golf driving ranges on agriculturally classified lands. Golf courses and golf driving ranges in existence or approved on ag lands on or before July 1, 2005, the effective date of this Act, will be grandfathered. Under this bill, golf courses and golf driving ranges will become a permitted use in the rural district.

"This bill also contains provisions to convene an Advisory Group to redefine the rural district through an all-inclusive community process. Working with the Land Use Commission and all interested stakeholders including land owners, farmers, conservationist groups, as well as State and government agencies, the Advisory Group will consider all options to make the rural district more viable and in a way that is most agreeable to the people involved. The Advisory Group will recommend legislation for our consideration in the 2006 Session.

"To dispel any concerns and fears already expressed, this bill does not statutorily reclassify Hokulia development lands on the Kona Coast.

"This is a good bill as it will point us in the right direction. It does deserve our full support. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, I have to tell you the truth. I was a little nervous about this bill coming out because I was the introducer of the original measure, which clarified what was considered an appropriate use of land in the agricultural district. This bill does something different so, when something with your name on it emerges from Conference Committee different than you had introduced it, you get a little nervous.

"And I've been talking to the Representative from Volcano, as well as the Chair of the Water, Land Committee and I was really worried that this did retroactively approve the Hokulia project. It does not do that. It does a really good thing. It bans golf courses in the agricultural district, and it allows them in the rural district. I think that's perfectly appropriate public policy and it's important that we start to think about how to make the rural district viable. It is a tiny percentage, probably less than 2% of the land in Hawaii, and yet we do have rural communities. And some of that land is zoned ag, and some of that land is zoned urban, some of it is zoned resort.

"We have, apparently, more than 60,000 lots, most occupied by people on the Big Island, who are really technically in violation of the land use laws. They're on ag lots and we're really going to have to face that fact.

"The problem was, that while we had all these people in non-conforming lots, and we wanted to fix that by enabling them to move to a more appropriate designation of rural, we have this Hokulia thing hanging over us. So, it was very difficult to address this public policy question without some understandable skepticism of what we're going to do.

"I do think that the Chair of Water, Land deserves commendation for this bill, as well as his work on the important agriculture lands bill.

"I do want to clarify that, I believe the Committee Report may be in error in that it says that, 'it is the intent of your Committee on Conference that the HRS also applies to golf related facilities as permitted use in the agricultural district, if approved by the county before July 1.' There was lots of haggling about whether or not a golf-related facility should or should not apply. In the end, that provision was removed from the actual statute to be. It is not in the legislation and therefore, I believe the Committee Report has that provision in error. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in support of the bill but I do have a concern. There has been a lot of assurance that this will not apply to Hokulia, on the Big Island. But, I believe that there is a section on page 9 that can be used by that project. And that particular section says that, 'notwithstanding any other provision of the chapter, golf courses and golf driving ranges approved by a county before July 1, 2005, for development within the agricultural district shall be permitted uses within the agricultural district.'

"Well, what this is going to mean is whatever Hokulia does with its next step, it will have a permitted legal golf course in the agricultural district because we, by statute, are granting it that authority. They won't ever have to go through a permit process for the golf course and the driving range if they happen to have one. When you add this to another bill that we're going to be hearing later, I'm afraid that the two parts can open up not

just a window, but maybe a barn door for that project. And that's my reservation. Thank you"

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

"Thank you, Mr. Speaker. I stand in support of this but I do have one small reservation. And that is, I represent a district that doesn't have any important agricultural lands. So, we're not going to have any golf courses. And I am also very much for taking golf courses out of important agricultural lands, but I'm not for putting them as a permitted use in rural lands because that means that it opens up my whole district for golf courses. And in my district, people don't want any golf courses. They don't want any gated communities. They don't want any real rich people moving in there and gobbling up, and subdividing for their second homes. So, I think we're going to really have to watch this because now golf courses will be a permitted use and that's my concern.

"But, on the other hand, I do congratulate the Chairman of the Water, Land Committee. I think he has done good things and I am very much for saving important agricultural lands. I'm just concerned that what might happen to those 50,000 lots, most of which are in my area, that were referred to by a previous speaker, might turn into because we are the fastest growing area in our State. Because of the fact that we have standard subdivisions and our land is still within the reach of the ordinary person. Thank you very much."

Representative Berg rose in opposition to the measure, stating:

"Thank you, Mr. Speaker. As you know, I rise in opposition to this bill. And while I can appreciate the sentiments from the Representative from the Big Island, this bill seems fairly straightforward on the surface. But what I'm learning from the legislation passed and proposed, it's not about what is said so much as what is not said and discussed that becomes troublesome to legislation and therefore to the public once the legislation is enacted.

"Mr. Speaker, last night I couldn't sleep, much like the Representative from Kalihi. I was excited because today is the last big day of my first Session. I was anticipating hearing various perspectives. Thursday. The last full day of action. I was anticipating hearing interesting perspectives from my colleagues. And mostly I'm troubled by this bill.

"On the face value again, the proposed bill seems fairly innocuous. I mean, what could be more complicated and confusing about allowing the counties to work with the Land Use Commission to develop policy and recommend boundary amendments, authorizing the convening of an advisory group to redefine rural districts. The county can do that already. The county can convene an advisory group as we can, as well.

"What bothers me is that in light of the years of efforts by this Body to identify the so-called, important ag lands to fulfill our Hawaii State Constitution, I don't think this legislation is needed. And if people think it's needed, then we need to go and rework it.

"We're reassured that this bill is not about saving Hokulia, and more about protecting land for the future. The Hokulia Golf Course is, as we have been told, exempt from court ruling because at the moment golf courses are a permissible use on ag land.

"Okay, so this bill isn't designed to help that golf course directly. But according to this bill, all golf courses on agricultural land built before July 1, 2005 were to have the land

upon which they sit, be redesignated as rural. So that means we would be legislating for that designation essentially even though we're not mandating the counties to do this. And we would be saving the golf course owners much inconvenience to go through the Land Commission process because we know how time consuming and tedious and mandatory that is."

Representative Luke rose to yield her time, and the Chair "so ordered."

Representative Berg continued, stating:

"Thank you, Representative. We're responsible for converting ag land to rural so that we won't have issues like Hokulia arising regarding activities on ag lands like the fifteen residential developments on the Big Island at the moment that are gentlemen estates, gated communities and affordable housing.

"Mr. Speaker, I couldn't sleep last night because there are just too many unanswered questions. For instance, if this bill is not about Hokulia but rather about redesignating golf courses on ag land to be converted to rural land, what about the golf courses on Oahu that are built on conservation land? Will those golf courses be grandfathered in? And then I started wondering. Well, how did that happen? How did golf courses get built on conservation land? Was the Land Use Commission involved in agreeing to allow golf courses to be built? Or was the permitting process at the county level automatic or unclear? These questions arose about the philosophy. I mean there are many questions about the philosophical value of golf courses.

"When we think about 36 golf course on Oahu -- 23 which are private, 6 public, 7 military. Sixteen golf courses on the Big Island -- 15 are private, 1 public, and albeit 3 are closed at the moment. Nine golf course on Maui -- 8 private, 1 public. Two golf courses on Molokai, both private. Three on Lanai, all private. Seven golf courses on Kauai -- 6 private, 1 public. One begins to wonder what are we doing with this bill.

"I am told this bill is designed to fix the issue of golf courses on ag land, but what happens with the land use designation on golf courses on conservation land? There's only one at the moment, golf course on ag land, and that's the Ewa Villages Golf Course. Is that the next legislation that we'll make? To make automatic conversion of conservation land to rural designation? So I believe there's a bigger question here that begs for all of us to answer and resolve. And that really is why this legislation is premature or unnecessary. What do we want for Hawaii? We've been discussing all day about little pieces and big pieces about legislation.

"Whether or not we want golf courses for Hawaii is tied into this bill. If this bill is not for Hokulia, then what is it for? It sets the stage for the next steps of development is what I contend. It sets the foundation as I was told, for decision making in the future. If this is the first step in clarifying the important ag lands issues, what should be on ag lands and what shouldn't be on ag lands, shouldn't we follow the law and petition the Land Use Commission to consider the changes? After all, we're only talking about at the moment, one golf course on Oahu.

"So then more questions came up in the middle of the night. What's the role of the Office of Planning, now that we have a new director?"

Representative Carroll rose to yield her time, and the Chair "so ordered."

Representative Berg continued, stating:

"Thank you. The Office of Planning is required to conduct a mandatory five-year boundary review of lands. But it has been so underfunded that the last such review was done in 1992. If the counties or we, the Legislature start making legislation to fix actions in the past, what purpose does the Office of Planning serve?

"Next question came up. 3:00 o'clock in the morning. What role does the Land Use Commission have? According to this bill, in Part II, item 1, the counties are to work with the executive officer of the Land Use Commission to develop policy and recommend boundary amendments to expand and enhance the use of rural districts. Is that the role of the LUC to work with the counties? Or is it to fulfill the mission as a regulatory entity entrusted in keeping the picture, the bigger picture of the Hawaii State Constitution in the forefront?

"Further more, this bill calls for an advisory group to redefine rural districts. I worked diligently on the early childhood bill to determine who gets on the task force to make those kinds of decisions. This bill does not designate who is going to be on there. We heard from the Chair that there are people representing all stakeholders. But I didn't hear the youth being mentioned.

"When we talk about legislation that impacts all of us, my next question then had to be: What about the people? What do the people of Hawaii want? Do we as elected officials suppose that we speak with them? Before I got elected, nobody ever asked me. And what about the Native Hawaiians? They're part of the host culture. It's their land, many times, that we're talking about. Native Hawaiians were here before any of us. Are we asking Hawaiian civic clubs, Native Hawaiian organization, canoe clubs? What kind of Hawaii that we want for our children to inherit?

"Mr. Speaker, there are just too many unanswered questions. We've heard time and time again from opponents and critics of the bottle bill. Just even recently. That while well-intended, why didn't we think through details of implementation, the implications, and the consequences of the legislation before we passed the bill last year. I'm faced with that onslaught of interrogation every single time I go to four of my Neighborhood Board meetings. I wasn't here last year to understand what evolved. And I know that the Committees worked three years in the making for this legislation. But I question why this bill, why we're in such a hurry to put this in motion.

"The aspect of the bill that calls for the redesignation of the golf courses was actually added in Conference Committee according to the Committee Report. We've heard it said that the devil's in the details. Well, the devil's having a field day with this bill.

"This bill calls for an unknown entity, again the advisory group, who is the advisory group? Mr. Speaker, the problem I have with this bill is that if golf courses are zoned rural now and in the future, the rural designation will also allow building houses. Single-family homes albeit, on rural-sized lots which are half an acre I guess, I understand, at least. Rural only implies low density. Why don't we put the golf courses in urban? If golf courses are on ag land, residential developments are illegal, technically. We've seen it with the Hokulia court ruling. But if golf courses are on rural lands, then residential developments of large acreage are not only legal but will become common practice. House lots may need to be at least half an acre as I mentioned. And I think there's a bill probably being introduced next year.

"Essentially, by passing this bill, Mr. Speaker, we'll be advocating building on land that we wouldn't have built on

before because it was zoned ag. And the developer would have had to go to the LUC for a special permit. Again, we know that the LUC process is inconvenient, time consuming."

Representative Shimabukuro rose to yield her time, and the Chair "so ordered."

Representative Berg continued, stating:

"Thank you. That process is time consuming, expensive, mandated, and much-needed. If our future is up to the people who write newspaper articles as we've seen this past week, more golf courses would be built so that gated communities could be built, so that more people could move to Hawaii and buy in, so that we could build more roads and highways in order to get more federal funding, import more cars, have more retail businesses, and having a booming economy. The legislation is very clever, Mr. Speaker. As we redesignated ag to rural for golf courses and then allow houses to be built around the golf courses, we will have to continue redesignating the so-called unproductive ag land for affordable housing for the other people. And *voila*. No more ag land. No more ag controversies.

"This bill sets precedent for making land use designations through legislation. That's what was tried in House Bill 1418 and House Bill 1593. Both of which did not pass muster. The intent of the language in HB1593 however, is incorporated in this bill under consideration. Essentially we're back to one-time rural designation again for unimportant ag lands. And I would like to ask this Body, what is unimportant about land? We are an island community. Every single inch is important. And where there is water, there will be productivity.

"When we look at the golf courses now, why not put them on urban land? After all, they are commercial enterprises. The Hawaii Prince Golf Course in Ewa Beach is worth \$15 million. The Kapolei Golf Course is worth \$17.5 million. The Honolulu Golf Course is worth \$12 million. Oh but, I'm sorry, excuse me, those golf courses are built on conservation land. So now more unanswered questions. What about those golf courses on that conservation land. Do we redesignate them as well? And if so, when that conservation land becomes rural, becomes buildable and able to be developed. So if we're looking at ... Question is what golf courses are we looking at in conservation land? Let me just name a few: Bay View, Coral Creek, Hawaii Kai, Hawaii Prince, Honolulu Golf Course."

Representative Kanoho rose to a point of ordered, stating:

"Point of order, Mr. Speaker. This bill has nothing to do with conservation lands."

The Chair ruled, stating:

"Your point is well taken but its made reference to rural lands and agricultural lands. So please proceed and summarize your comments, Representative Berg. It's been twenty minutes already."

Representative Berg continued, stating:

"Thank you, Mr. Speaker. I've been waiting all Session for this. In conclusion, the seal on our State crest mandates us very clearly. *Ua mau ke ea o ka aina i ka pono*. The life of the land is perpetuated in righteousness. Right action, right thought, right thinking, right feeling, and right future. I urge us to recommit this bill and let's work on it in the interim to create a really fine piece of legislation that corresponds with important ag lands. That corresponds with a sustainability task force. That moves us toward self-sufficiency. What is the rush?

"In opposition to this bill Mr. Speaker, I speak. And in conclusion, I promised my constituents and the State of Hawaii, when I took my oath on January 19, 2005, that I would trust my heart and vote my conscience, my *na'au* as the Hawaiians say. My *na'au* tells me Mr. Speaker, that there is more going on with this bill than meets the eye. And at this particular moment, as we look at it, it doesn't seem to be necessary and it appears to be an open invitation to use land in a way that serves very few and not the public. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure, but I do have some reservations and my comments will be brief. My concerns are similar to the Representative from Makiki, that what is described in the Conference Committee report as 'legislative intent' is not reflected in the bill and actually contradicts the actions of the Conferees.

"It is my understanding that a proposed Conference Draft had specific language that would have allowed a golf related facility that had been previously approved by the county to be grandfathered in. Obviously, that proposed language was not acceptable to the Conferees because that language is not in this measure before us with regard to exceptions under section 205-4.5(d).

"Further, the Conference Draft is clear that the exception is limited and specific to golf courses and golf driving ranges. There is no statutory definition for 'golf-related facilities,' which causes further confusion as to what the Conference Committee Report is intending to accomplish.

"I appreciate the Conferees' decision to remove the language that would have caused this Body to interfere in the ongoing Hokulia litigation. However, the decision to remove the unacceptable language from the proposed Conference Draft should not be described as 'legislative intent' in the Conference Committee Report as a backdoor method to achieve something that could not and is not included in the Conference Draft of this bill. Thank you."

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

"Mr. Speaker, brief comments in support. I also share the concerns of the Representatives from Makiki and from the Princeville/Hanalei area and would like to submit some written comments regarding the conflict between the Committee Report and the language in the bill itself, and how it relates to the Maha'ulepu v. Land Use Commission decision. Thank you very much, Mr. Speaker."

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

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

"Mr. Speaker, I'd like to change my vote to no because of the words of the speaker from Niu Valley."

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

"In support, Mr. Speaker, and ask for a ruling on a potential conflict. I'm a member of the Volcano Golf Course," and the Chair ruled, "no conflict."

Representative Herkes continued in support of the measure, stating:

"Thank you, Mr. Speaker. I beg to differ with some of the previous speakers. There's nothing in this bill that converts existing golf courses on ag land to rural. And if anybody thinks it's in the bill, show it to me.

"The other thing is, as far as the Committee Report, I was Co-Chair of the Committee and we never rejected that language about related golf course uses. That was never rejected. If you look at the bill where we talk about allowing golf courses, driving range, golf-related facilities on rural lands, the intent was to mirror that for the existing golf courses on agricultural land. And it has been said, Mr. Speaker, all this bill does is set the table for the conversion of certain lands from an agricultural designation to a rural classification. Or, other wilderness lands to historic preservation conservation, or even urban when we get around to designation in the IAL.

"And thus said before, we say that we will allow golf courses in rural districts. But again, there's nothing in this bill that converts any golf course now on ag land to rural. It just makes them a permitted use, as was permitted by the various counties. And at the same time, we say that we don't want any new golf courses on ag land.

"As far as golf course related things, for example, we have the Big Island Country Club on the Big Island. It has a temporary clubhouse. It is not the intent of this legislation to tell them that they have to go through a change from agricultural to rural in order to build a permanent clubhouse. Nor, is it the intent of this legislation to say to Waialae Country Club or other golf complexes in the State that you have to go and seek reclassification for existing components of the golf courses such as tennis and swimming pools. That was not the intent of the legislation.

"Mr. Speaker, there are inappropriate places for golf courses. There is talk about a potential golf course in Mauka Kona, above Konawaena Middle School. I object to that. That's an improper use. There was a golf course permitted at about the 85-mile marker in South Kona. It was during the booming era for the Japanese memberships at golf courses. The land was graded in a very inappropriate place. Fortunately, that boom went away. That proposed golf course is now a coffee farm, which is a much more appropriate use.

"And to make it absolutely clear, and I'll say it 10 times if I have to. This exemption does not include family residences on fairways. Thank you."

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

"Thank you, Mr. Speaker, in support with reservations. I don't have a problem prohibiting golf courses on agricultural land, and it probably is better suited in rural. However, I think we should be doing more to protect our agricultural lands.

"I know we have the Important Agricultural Lands bill, but rather than convening an Advisory Group who will make recommendations to the Legislature as to what land will be converted from ag to rural, let's stand up and fight for ag lands and let's provide real incentives to farmers. Because I believe that all agricultural lands are important and we simply have to do what we can to help them. Thank you."

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

"Thank you, Mr. Speaker. Very briefly, in support though I do have reservations. I think we are at the crossroads. The facts are, we have an incredible amount of agricultural land, zoned agricultural land, where there is no agricultural activity going on.

"At the same time, we have an incredible desire to develop Hawaii. When I say we, I mean the world, to come here. And we have these two bills that are addressing rural land classification and important ag land classification. And I just want to caution us as the leaders of this State that in this next year, and in these few years that are coming, we are going to set the stage for which direction Hawaii will go.

"I think we can work together and we can trust in each other's judgment. But, we will chart out the next hundred years and the entire future of land use in Hawaii. So, I think it's so important that we're careful in this next year. Thank you, Mr. Speaker."

At this time, the Chair stated:

"To the Members of this Body, thank you very much for this lovely discussion. It's been over 40 minutes on this particular issue dealing with the rural classification. And Representative Thielen, you have spoken once already."

Representative Thielen responded, stating:

"It's going to be very brief, Mr. Speaker."

Speaker Say: "The Chair will allow you since this is a very complicated complex issue and I thank you all for this great debate that we're having here on the Floor this evening."

Representative Thielen: "Thank you. And Mr. Speaker, I really am grateful for the debate. I was going to go with reservations. I now am firmly opposed to the bill, Mr. Speaker. Mr. Speaker, there's no reason for this provision ..."

Speaker Say: "Representative Thielen, it was stated on the Floor of this House three times by different Members of this House. So, if you're going to reiterate what was already stated, I'm not going to allow you to say that. It has already been stated by Representative Caldwell, Representative Waters, Representative Chong, Representative Morita and others. So, if they convinced you to change your vote, that's fine."

Representative Thielen: "Mr. Speaker, the section that is now legalizing golf courses within the agricultural district, there's no reason for the existing golf courses that are already operating. There is reason for it if you want to apply it to Hokuia because it's going to have to go through a whole other permitting process.

"The other thing that concerns me very much is, do we want to make a policy decision based upon a Conference Committee that didn't have full hearings on the issue of whether or not we want to authorize golf courses in the rural district. There was no hearing on that. I mean, that was not the bill that the Representative from Makiki introduced originally. And I think that it's a very serious step to take, and I can see the seriousness of it, Mr. Speaker, taking 40 minutes of this discussion.

"So, I would hope that some others might consider changing their votes and joining me with a no vote."

Speaker Say: "Representative Thielen, the debate has gone on and I think Members of this Body recognize the complexities."

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

"Mr. Speaker, if I may. I just want to make a short comment. I did vote no on it, but it's not for the kind of feeling that it has anything to do with Hokulia. My only concern was that I continue to favor ag lands for golf courses. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker, if I may be very brief in strong support of this measure. In a different aspect, I haven't spoken today, but I feel that this measure is important because the land that we use in the State of Hawaii is very important.

"There is not a shortage of agricultural land in the State of Hawaii, and about half of the land in our State is ag land. We virtually have zero rural land in our State. As a matter of fact, on the island of Oahu, there is zero land classified by the Land Use Commission, and an area that we see this beginning to squeeze our State, it begins to effect the housing situation. What we've created, the Representative from Makiki mentioned that there may be 2% rural land in the State. Actually, there's 0.02%. 98% of the land in the state is either conservation or agriculture. 2% is urban, and less than 1% is rural land.

"What that's created is an atmosphere, Mr. Speaker, where urban land is so precious and the need for housing is so high, that we've created a system whereby developers create incredibly dense populations in very localized areas. The feel that I'd like the State to have is one that's more spread out, one that's more country, which is by the way, the zoning that the City classifies rural land in, country zoning. It allows for one house per half acre. It's spread out, it's loose.

"It's what you do, Mr. Speaker, when I was a landscaper many years ago. When the soil is hard and you need to air it. You begin to loosen it up and you take a rototiller to the ground. That's what we need to do in our State. We virtually have no rural land and that is the crisis.

"Almost 50% of our land in the State is ag land and that's great. But, we don't need to protect that aspect. We need to begin to open up lands so that we can spread out the development and this measure goes to that. I won't belabor the point. 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. 109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Arakaki, Berg, Cabanilla, Carroll, Hale, Kahikina, Souki and Thielen voting no.

Conf. Com. Rep. No. 136 and H.B. No. 841, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 841, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in support with brief comments. I just wanted to say I rise in support because it is critical that we continue to support Act 51 in improving and reducing the gap areas that we need to improve on.

"One of the biggest steps that I wanted to note was that we are supporting our hard-working principals by moving them to a 12-month status, as well as appropriating funds for civic and workforce based initiatives.

"However, Mr. Speaker, I was disappointed that this final version did not include the \$1 million needed for curriculum funding. This business-sponsored effort would have allowed our schools the opportunity to participate in core content curriculum development and possible funding to better our schools.

"I understand fiscal constraints made it impossible this year to establish a research based curriculum, for example, like core and knowledge program. However, I hope that we can find the money next year in our budget. 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. 841, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 137 and H.B. No. 1556, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1556, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 138 and H.B. No. 631, HD 1, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 51 ayes.

At 6:18 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1814, SD 2, HD 2, CD 1
 S.B. No. 1643, SD 2, HD 2, CD 1
 S.B. No. 1780, SD 2, HD 2, CD 1
 S.B. No. 1262, SD 1, HD 2, CD 1
 S.B. No. 1554, SD 1, HD 2, CD 1
 S.B. No. 1620, SD 2, HD 2, CD 1
 S.B. No. 212, SD 2, HD 2, CD 1
 S.B. No. 617, SD 1, HD 1, CD 1
 S.B. No. 708, SD 2, HD 2, CD 1
 S.B. No. 813, SD 2, HD 2, CD 1
 S.B. No. 962, SD 2, HD 2, CD 1
 S.B. No. 1808, SD 1, HD 1, CD 1
 H.B. No. 390, HD 1, SD 2, CD 1
 H.B. No. 168, HD 2, SD 1, CD 1
 H.B. No. 1641, HD 1, SD 2, CD 1
 H.B. No. 1614, HD 1, SD 2, CD 1
 H.B. No. 109, HD 1, SD 2, CD 1
 H.B. No. 841, SD 2, CD 1
 H.B. No. 1556, HD 1, SD 1, CD 1
 H.B. No. 631, HD 1, SD 2, CD 1

At 6:18 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 6:37 o'clock p.m.

At this time, the Chair stated:

"After discussing with both the Majority and Minority Leaders, we have decided to go with 3 pages once more. But on page 22, you will see that there are two floor amendments that we will be taking up. Both the Minority and the Majority agreed that there will be one floor speech for each of these amendments on both sides, and then the voice vote will be called."

Conf. Com. Rep. No. 139 and H.B. No. 1528, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1528, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On this Conference Committee Report No. 139, I'm standing in strong support and I'd like to thank the introducer of this bill. As the Chair of the Legislative Management Committee, the legislative agencies: the Auditor, LRB and the Ombudsman, I'd like to thank them for all the hard work put on this bill, and hopefully the fruits of their work has been shown to everybody. I'd like to thank everybody. 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. 1528, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 140 and H.B. No. 1608, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1608, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, you caught me off guard. I guess I stand in support of this, in strong support. Too bad that knife doesn't cut both ways. But in any event, Mr. Speaker, I stand in strong support of this. As you know, this is an issue that has been with us for a number of years. In this case, if any bargaining unit out there, any labor union out there, can deliver the same benefits or better to their memberships at a lower cost to the taxpayers, this is something we should support. With a three-year sunset, we will see definitively.

"And so, talk is cheap. We'll see if we can deliver. Well, not we. Those who decide to take this on as a part of their service to their members, if they can deliver it at a lower cost. And if so, we should of course continue to encourage that.

"As far as doomsday scenarios that this will mean the end of the EUTF, I do not think that will happen. I think everyone should realize, there are many stand alone self-insured unions

out there that are far smaller, in a risk pool, than will be left in the EUTF, even if several unions take advantage of this bill and decide to create their own VEBA. So, thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in strong support and just briefly, Mr. Speaker. VEBA is an excellent system. We should have not taken it away in the first place. I'm glad to see it back. 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, I rise in strong support of this measure. As a retired teacher, the husband of a retired teacher, and the father of a teacher, I know how important it is that teachers, like the general public, have good medical, dental, vision, and drug plans.

"Mr. Speaker, teachers had an HSTA VEBA in the past that provided excellent medical coverage at a lower cost to its members. Their co-payments for prescription drugs, hospital and office visit benefits were lower, and overall satisfaction with the VEBA plans was very high. These plans were further enhanced to include chiropractic care and dependent coverage through age twenty-four as long as the dependent was attending an institution of higher learning. And, realizing the effect and importance of long term care to the State of Hawaii and its members, the HSTA VEBA trust offered a long term care insurance program to their teachers and even subsidized the entire cost for a "base plan" coverage.

"Mr. Speaker, you may wonder how the VEBA could provide these enhanced plans to its members. It is primarily because many of the VEBA programs were self insured and established for one defined group of State employees, the teachers. The VEBA takes on the responsibility of contracting with the health carriers for their services and only pays the health carriers if members use their plans. In essence, then, the VEBA removes the "middle man" and is able to use these cost savings to provide the kind of coverage that teachers demand.

"Mr. Speaker, it is also important to note that the HSTA VEBA trustees are active teachers from the public schools, with the exception of a teacher retiree and that all of the Trustees are appointed by the HSTA President. Thus, the Trustees are only concerned with providing their plan beneficiaries with the best possible medical coverage available. And what is very important to the function of the VEBA, the Trustees listen and take to heart the discussions they have with their plan beneficiaries, and further, take their recommendations to their Board of Trustees for consideration, and if applicable, implementation.

"Mr. Speaker, it is also noteworthy that the HSTA VEBA is giving existing retirees a one time option of moving from the EUTF and enrolling in the VEBA. This is an important benefit to retirees who are living on a fixed income and who are concerned about their health benefits. I have been informed that recent retirees who were once part of the HSTA VEBA are anticipating being re-enrolled in the VEBA again.

"Mr. Speaker, all this aside, it is also important to know that the HSTA VEBA will be an Internal Revenue Code 501 (c) (9) trust and that it is required to comply with all ERISA (Employee Retirement Income Security Act) requirements.

The Trustees have fiduciary duties under ERISA and must always conduct Trust activities under the "prudent person" concept wherein the Trustees would, with care, skill, prudence and diligence under the circumstances then prevailing, act in a way that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of an enterprise of a similar character and with like aims.

"Therefore, Mr. Speaker, the VEBA would be required and will continue to comply with all IRS rules, and conform with all applicable ERISA requirements, including filing requirements, and that there would be annual audits by an independent auditing firm.

"Mr. Speaker, it is with these considerations and more that I strongly support the establishment of a VEBA Trust for teachers. Not only because of the prospect of improved health plans, but also because it should help to address the teacher shortage problem and the recruitment and retention of teachers.

"And, finally, Mr. Speaker, it is my fervent hope that the VEBA will be very successful during this pilot period, that there will be a measurable cost savings to the State, and that the sunset date of July 1, 2008 will be repealed and the VEBA will be allowed to continue operate in the best interests of its plan beneficiaries."

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

"Thank you, Mr. Speaker. I'm rising with very strong reservations. Earlier in the Session, there was a bill similar to this that would reinstate VEBA for all the different bargaining units. From the time we passed the bill to put everybody under one heading, the Employers Union Trust Fund, the HSTA members made it very clear to us that they felt they had lost a lot. We didn't hear from any of the other union members, but the HSTA, the teachers, they were really upset. And they worked hard to try to educate us, make it clear to us what they had lost. They felt they lost benefits. They had a better program. Many of the teachers had college-aged kids and they were covered under the VEBA. They had a lot of good reasons.

"On the flip side of that, the reason we passed the legislation that put everybody on one program was to try to save funds for the taxpayers in the State of Hawaii. Medical care, we're not unique here in our State, it's throughout the country. The cost of medical care is skyrocketing. And not just for governments, state governments, county governments, but businesses. It's a real challenge to cover those costs. And so that was really the impetus. We had a different Governor at that time. He felt strongly that we had to do something to curb that ever-rising expense. And it was with that justification that we got rid of the VEBA Trust and put everybody under one umbrella.

"Actually, the EUTF has been operating for about 18 months, Mr. Speaker. And as I understand it, from reports we had from Budget and Finance, the State has actually saved somewhere in the neighborhood of \$22 million over that 18-month period. Part of it's in straight savings, and the other is where they've been able to give additional coverage with the savings. So, it's like part of the savings.

"As I said, in the earlier part of this Legislative Session, this bill arrived that opened it up to all bargaining units, and I did make a point of that in the Labor Committee. And I was prepared to and I'm going to support it. But the reason I have such strong reservations is that, I felt that the teachers had fought so hard for it.

"The UPW, under their past director, is in trouble. I mean, there's criminal charges out there. There was misuse of the money. I think there are certain safeguards in this bill but we've had the opportunity to see that people have taken advantage. So, it's something to be very careful about.

"We haven't had the EUTF long enough while this is called a pilot program. It's three years. And we've already had the experience of VEBA before, and we have had the experience of seeing that we can save money with everybody under one umbrella. But, you know, this is bigger than us. Bigger than me. So, I'm not going to stand here as the only person to say no. But, I do have grave worries about this. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. With reservations and simply for the reason that a pilot program can't be open to everyone. Thank you."

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

"Just very brief, Mr. Speaker, in strong support. I don't think it's fair to compare the VEBA Trust or to favor the agency with the trust fund or whatever it is that the UPW had. As I understand it, they did not have the VEBA Trust and the things that has happened with the UPW, I think, will not be possible with the VEBA Trust because they have to follow certain restrictions that the federal government imposes on them. So, again, in strong support."

Representative Takumi rose to respond, stating:

"Thank you very much, Mr. Speaker. Still in support and in response to some of the concerns raised earlier. One of the reasons it was opened up to all unions is that we received an opinion from the Attorney General saying, it is unconstitutional to have a bill that is only limited to one union. Thank you, Mr. Speaker."

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

"Thank you, in support. I'm very happy that the teachers have finally gotten what they came here for, and their goal. And I hope that they're very, very happy because they deserve it. I know they work hard. And I would ask that the remainder of my comments be inserted in the Journal."

Representative Ching's written remarks are as follows:

"I rise in support of this measure due to the fact that having an attractive and affordable health plan to offer teachers will aid in the recruitment and retention of teachers. I do have concerns however, that in the Conference Committee, more public employee unions were added. My concern is that this last minute change may affect the status of the EUTF adversely."

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

"Thank you, Mr. Speaker, in support. The teachers have worked very hard, as you heard already. And I think they've done well in the past with this measure, or the VEBA they had. I believe that if the other bargaining units want to do something like this, they still have to prove that they can, and it has to be at costs less than what they're doing now to the State. So, if they can prove that, fine, let them have 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. 1608, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 141 and H.B. No. 260, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 260, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 142 and H.B. No. 263, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 263, SD 1, CD 1, pass Final 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 some reservations on this measure. I would just ask if I could insert an article from the *Honolulu Advertiser*, Thursday, April 21, 2005. It would relate to this particular bill. Thank you."

Representative Meyer submitted the following editorial:

EDITORIAL

Arbitration doesn't balance state needs

The pay increase given to 24,000 Hawai'i Government Employees Association workers by an independent arbitrator last week makes a case for moving away from binding arbitration.

Contract after contract, binding arbitration has favored unions over management — and it's taxpayers who foot the bill.

The HGEA expressed satisfaction over the arbitrator's decision giving workers in six units pay raises averaging 5 percent in each year of a two-year contract. It's no surprise that they're pleased with that outcome — few other workers can point to that kind of a raise without an accompanying increase in responsibility.

The questions that must be answered are whether the pay raises are commensurate with other increases in the job marketplace and whether increases in government revenues are enough for the pay raises plus other needs, such as education, the environment, infrastructure and the social services safety net for those in need.

The governor has warned the pay raises will siphon money from other needs. And with the budget still in flux in the Legislature, we don't know how that will pencil out.

But what we do know is that the arbitrator is not obliged to consider the state's total financial condition in making a decision. Nor does an arbitrator consider how this will affect other public worker negotiations. Those are major flaws in the system.

Workers are entitled to share in good times just as they may face the prospect of layoffs when times are tough. But decisions

on these pay raises cannot be made in a vacuum — and that is what this arbitration system has become.

There are other demands on government revenue, and the state and the counties must be able to prioritize needs.

Arbitration is necessary for certain jobs in which maintaining public safety is paramount. A strike by firefighters or police officers, for example, would be detrimental to public safety. That's not the case with most other government jobs.

Government workers deserve raises. Taxpayers deserve to see that the services their tax dollars are meant to pay for are properly provided.

Arbitration has failed to balance that equation.

The Honolulu Advertiser
April 21, 2005

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

"Thank you, Mr. Speaker. I'd like to register reservations as well. In the 90s before I arrived here, the HGEA labor union had received, as far as I recall, I wasn't very observant of politics at the time. But, my election included the 14.5% arbitrated pay raise. And that came up when I was elected in 2000. But prior to that, they had received a 10% pay increase. Now, 2 years ago, they received another 8% increase and we've just read recently that there's another 10% pay increase. So, for the past 10 years, that adds up to about a 42 1/2% pay increase. And I think that's pretty excessive.

"But that's the rule of law and that's what we have with collective bargaining. I've disagreed with that in the past and I fought the veto override for that, but that's the rule of the law and we're required to allocate the funds for it. And yet, I think the public should know that this union has received about a 44% pay increase over the past 10 years and I believe that's excessive."

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

"Mr. Speaker, I rise in support. Very, very briefly, I'd just like to I guess clear up a misperception I think that's out there about paying our government workers. Recently, there was an article in the *Hawaii Business Magazine*, February 2005 entitled, *Hawaii's Government: Too Big? Or Too Small?* And basically, what it did was it took an analysis of governments across the nation to look at where Hawaii stands in terms of where we pay our workers, versus what's the average state worker out there across the nation.

"And basically what I found is, Hawaii's State workers make about same as every body else out there. In this article, it ranks us at about 19th, but that's not including inflation or the cost of living. And as we know in Hawaii, it's pretty high. So, actually the number might be a bit lower.

"Actually, if you look at the *Governing Sourcebook* for 2004, they also rank all of our State employees as to where they may have fall in terms of their pay scale. And according to this chart, we actually fall at 34th. So, when you take a look at whether our employees, public sector workers, are getting paid an exorbitant amount through arbitration, or whether it's through collective bargaining, I really don't think that the data supports that.

"But to me, the most shocking thing that I didn't realize, which I'm very glad that Mr. Knox came out with his article, was this one part that says that, when they took a look at the

census data for the years 2001 and 2002, and that was pretty much the best comprehensive data that they could use. They said that Hawaii spends just 26% of all direct expenditures on workers' salaries, the lowest percentage of all states. The average state spends 30% of its budget on workers' salaries. So really, when we take a look at across the nation in terms of how much money our State is spending on its employees, we rank number 50.

"That was kind of surprising to me considering all of the characterizations that have gone on about how we can't afford tax relief, or we can't afford a tax credit, or you know, there's other priorities that we can't put out there because we're paying our employees too much. When in actuality, the data shows our employees make about the same as everybody else. And when you compare us across the nation in terms of how much we spend on the total budget, we spend the least. So, I think that information is very crucial for this debate. Thank you."

Representative Stonebraker rose to respond, stating:

"Thank you, Mr. Speaker. There's so many factors in the previous speaker's statements that can be misconstrued. You can have a number of workers that are paid on average the same as other state workers, but you can have a workforce in the state that is nearly double. You can also have a general fund budget which actually accounts for only half of your spending. You can have all kinds of budgetary tricks and patchwork budgeting that can be completely misconstrued. And you can crunch the numbers in any way, but what we're facing in this State is a real crisis, because as I mentioned there's been nearly a 44% increase in one labor union and that's the largest in the State.

"And so, these are real numbers and nobody on this Floor would want to underpay anybody. We want to give the best pay and to give the money that's due a person, but we really have to deal with this honestly and look at the facts.

"Now, I'd be happy to look at those figures that the previous speaker mentioned, but I know the way government works. And you as well, Mr. Speaker. You know how budgets work, and you know how numbers work. And many time things can be misconstrued and put in such a light that it seems to speak. The evidence may seem to lead one way, but there's a vast difference between testimony and evidence. And those are the things we have to look more carefully at."

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

"Yes, Mr. Speaker, in support of the pay raise for the government workers, the 26,000 government workers, Mr. Speaker, that make government work for everyone in our State.

"Mr. Speaker, we've heard a lot of the opinions thrown around recently in the press regarding the result of binding arbitration and whether it's beneficial or not. But, Mr. Speaker, I would like to talk just briefly about binding arbitration. In fact, we allow that to proceed because we had seen the devastating impact of government strikes in the past and the impact that it had not only in government, but in our entire economy. When places like the Bureau of Conveyances is shut down and that basically brought to a stand still our mortgage lending and our real estate industry. And thank God that's not going to occur again, Mr. Speaker. In the end, Mr. Speaker, I think we all believe that the people who provide government services deserve a pay increase because they provide services that are very much needed and in a timely fashion.

"And it's something that is not glamorous. Most of these workers are dealing with issues such as making sure that when

we turn on our faucet, we have water. Or when you flush our toilets, it's taken care of. Or they're the secretaries working for our Attorney General, or for the Governor, or for a judge. Without those people there doing the day-to-day work, nothing would happen. They in the end, Mr. Speaker, make the rest of us look good and they make our government work and our system government work.

"Those are the people we're talking about. It's interesting though, Mr. Speaker, that I think what the real issue here is, they're looking at the cost. There are 26,000 members who are being impacted by this pay raise. And people say because of the number, the cost is too high, and it's going to be taking away from other programs. But, you look at the Hawaii State Teacher's Association, they have 13,000 members, and they came with a negotiable award in the same ballpark."

Representative Fox rose to a point of order, stating:

"Point of order, Mr. Speaker. We have a very specific bill addressing HSTA. It's not this bill."

The Chair responded, stating:

"We are, Members, on Conference Committee Report No. 142. We have already addressed 141, where the Chair asked for any discussion. 142 deals with the HGEA Salary Increase.

Representative Caldwell continued, stating:

"Thank you, Mr. Speaker. I'm just using it as a point of comparison because of the concern that perhaps the increase to the 26,000 government workers is undeserved. And I'm trying to use a point of comparison with regard to collective bargaining binding arbitration.

"HSTA came in with an award around the same ballpark as the HGEA ..."

Representative Fox rose to a point of order, stating:

"Point of order, Mr. Speaker. We're addressing HGEA, not HSTA."

Speaker Say: "Yes, he is. But he's making a correlation of the settlement that has been agreed upon through binding arbitration and what has been negotiated with HSTA. So the Chair will allow him to continue the discussion."

Representative Fox: "Mr. Speaker, I want to be clear that he has absolutely expanded the point. No previous speaker discussed HSTA."

Representative Takai rose to a point of order, stating:

"Point of order, Mr. Speaker. You made a ruling, Mr. Speaker."

Speaker Say: "Yes, and the Chair has ruled that Representative Caldwell may continue on."

Representative Caldwell: "Thank you very much, Mr. Speaker. I have to say, on a point of personal privilege, many times when I get up to speak, I keep getting interrupted.

"I've sat here on this Floor for three years now listening to many of the people on the other side of the aisle go on and on and on in various issues, sometimes multiple times ..."

Representative Fox: "Point of order and point of personal privilege, Mr. Speaker."

Speaker Say: "Representative Fox, state your point."

Representative Fox: "We are not here to discuss how certain people behave. We are here to discuss issues that are on the Floor."

Speaker Say: "Yes, you are correct. But he rose on a point personal privilege where he feels that he has been aggrieved for the past 3 years. So the Chair has allowed him to state his point of personal privilege that I think the Members of this Chamber should hear."

Representative Caldwell: "Thank you very much, Mr. Speaker. To make it my point, I would like to just be able to get up and make my point and sit down, and not be constantly interrupted so that I'm not able to deliver the speech I intend to deliver. It's a common courtesy that I've extended to other Members on the other side of the aisle, and I would expect the same courtesy delivered to me. That's my point. Thank you."

Speaker Say: "So the Chair has ruled, Mr. Caldwell, that you may proceed on."

Representative Caldwell continued, stating:

"Thank you very much. I appreciate that, Mr. Speaker. The point that I'm stating, Mr. Speaker, is that there's an allegation here that when you have binding arbitration, it doesn't work and it forces the Executive branch's hand to come in with a reward higher than what they wanted.

"But, when you look at the negotiated settlement, whether it be with HSTA, UPW, the awards come in on a similar level and these are awards that are accepted by the Executive branch, Mr. Speaker, not forced on them. And my point therefore is that binding arbitration does work, and it comes in at a fair reward in the same ballpark as some of these other awards.

"Now, I just want to move on, Mr. Speaker, very briefly, to talk about what these awards mean and we'll talk about real people. We can look at SR-7, entry level ..."

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

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker, I appreciate it. Thank you. You look at the example of an SR-7, which is an entry-level position. And these are members that assist social workers, something that our Representative from the Mililani area has worked so hard on. And Mr. Speaker, these people go with social workers to conduct home visitations. Under the pay raise, they're going to make \$61.95 more a month. It's not a dramatic increase.

"Moving on to educational assistants, Mr. Speaker, in our classrooms. There are about 3,000 of these assistants. They're going to make \$81.62 increase. Not a dramatic increase per month.

"And then, the Bureau of Conveyances, which I mentioned just briefly, so critical to a part of our market, our real estate market which is booming. Mr. Speaker, they will get a monthly increase of \$91.00 approximately. Mr. Speaker, not a dramatic increase when we break it down to the impact on individual workers.

"You look at the increase, Mr. Speaker, that is being afforded to the Executive branch and the Judicial branch. The Governor between now and 2007 will get a 22% increase in pay, and deserve it. She deserves it, or whoever the Governor is,

deserves it. Our Chief Justice, Mr. Speaker, will get approximately a 23% increase. The hourly increase for the Governor, Mr. Speaker, is about \$8.54; and for the Chief Justice, \$13.95. But, for a SR-10F employee, which is a mid-level government employee, their hourly increase is \$0.67, Mr. Speaker, just for a point of comparison."

Representative Meyer rose, stating:

"Mr. Speaker, point of privilege or inquiry, because the speaker is using comparisons of Executive branch's people that are not in collective bargaining, and it seems like he's going further and further afield."

The Chair responded, stating:

"Representative Meyer, the speaker has a point that he would like to share with all of you, in the comparison of the increases that we have agreed upon from last year to this year. In the comparison of the Executive branch, we as a Body supported a 22% and maybe more, for the Governor and the directors and deputy directors."

Representative Meyer: "They don't come in for raises every two years. I mean that's apples and oranges. Thank you."

Speaker Say: "They can come in at any point in time if they want to come in for a pay raise, even though it's basically now incremental."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. I'm about ready to conclude. You know, Mr. Speaker, the public workers that we're talking about have dedicated themselves to public service to make sure that government works. And in the end, I'd like to quote, Mr. Speaker, Arthur Miller, who in his exceptional play, *Death of a Salesman* stated this, and it kind of echoes, I think, a feeling that we may have for our public workers because it's not a glamorous kind of job. But Arthur Miller said, in *Death of Salesman*:

I don't say he's a great man. Willie Norman never made a lot of money. His name was never in the paper, but he's a human being and a terrible thing is happening to him. So attention must be paid. Attention. Attention must be finally paid to such a person.

"You know, Mr. Speaker, most government workers will never be the Attorney General, or the Governor, or be famous in some way. Some may, but many won't. But they go to work every day, Mr. Speaker, to make our government work and to provide the essential services we all need.

"Their needs have to be respected and concerted even if there are more of them than fire-fighters, police or teachers, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker, in support. I'd just like to make some observations, please. Mr. Speaker, if we ask the question, are the raises here deserved? In my opinion, yes. If we ask, is these raises fair? In my opinion, yes. If we ask the question, is it affordable? Then I'm not so sure, Mr. Speaker.

"If we look at what happens to our budget deliberations over the last few months. A lot of what we were hopeful that we were going to do, disappeared off the table. And, Mr. Speaker, the way that we spend money, the way that we conduct our budgets, that whether in that context, could we afford it? I

don't know the answer to that. I know we could at least, to the extent that we will approve these raises, and we will pay them. So, to that extent, yes of course we can afford it.

"But, Mr. Speaker, it begs the question, that in a state where county and state tax collections together, public money that we have as a state and counties together, is about the highest in the nation. We have per capita, huge sums of money. So, why is it that it would be questionable whether we could afford it or not? We have some of the most money per capita than any state in the nation.

"And I'd like to submit, Mr. Speaker, that of all this huge public money that we spend, that if we did as we're required to do, management and performance audits of all State spending, we would find sufficient waste to realize that we have more than enough to afford the raises. And probably could pay them even more. And that we would find money that we could use for other good purposes and give our taxpayers the benefit for the dollars that we take from them. Thank you."

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

"Thank you, Mr. Speaker, in support with reservations. I wasn't going to get up earlier to speak but something compelled me, and I think that it was some of the quotes from the Representative from Manoa. And while I always appreciate he's learned and his quotes from literature, I take a little bit of, I think, personal, even umbrage the reference to the *Death of the Salesman*. I find that many of our workers have no need of this sort of a reference. I think it's inappropriate. And I think that they are very, in fact, I would say they are some of the most powerful people in this State Capitol. I would say so far to that. So I think that characterization of someone who doesn't have control over their, maybe I'm inferring the wrong thing, is extremely inappropriate and actually inaccurate.

"And my thoughts are that if we look at the connection between making sure that we be mindful of our fiscal situation, that we can encourage people to also be employed in the private sector. But all people have respect. And sometimes, that respect comes from within, not from the title that people may give you from without. Thank you."

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

"Thank you, Mr. Speaker, in support. I would like to make clear based on previous statements that were made on an earlier debate this afternoon that I am in favor of arbitration. I am not opposed to it. I do think we need some adjustment in the way we handle arbitration. I think that the arbitrators should be sensitive to the total State budget. And they should be sensitive to the other needs of the State, not just focused strictly on collective bargaining increases. I am totally intrigued by the figures brought up by the Majority Floor Leader. I know that he will share them with me.

"One reason that we might have such a low percentage of pay going to our total workforce in the State is that so many of our workers are teachers who work 100 to 185 days a year. In most other states, it's not common. In fact, it doesn't exist that the state pays for the teacher's salaries. Thank you, Mr. Speaker."

At this time, the Chair stated:

"Members, we've had a lot of discussion. I believe the comments this evening are well-taken, if you made reference to what you had adopted this morning, to H.B. 100, CD 1. It is part of the overall financial plan. So, may we proceed on?"

"We have addressed most of the collective bargaining bills that are before us, Conf. Comm. Rep. No. 142, 143 and 144. May we proceed on to Conf. Comm. Rep. No. 145?"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 263, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 143 and H.B. No. 1597, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1597, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 144 and H.B. No. 1599, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1599, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 145 and H.B. No. 19, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 19, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In addition to the \$55 million that we appropriated in the budget for maintenance and renewal projects, and I'm in favor. And in addition to the \$22 million in the budget for health, safety, and code requirements, what this bill allows for is the University issue revenue bonds of up to \$100 million to fix the housing crisis. 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. 19, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR HOUSING UNITS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 146 and H.B. No. 1308, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1308, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker and Members, I rise in very strong support of this landmark legislation, which has been most appropriately referenced as the Legacy Land Act of 2005. Because this bill will help ensure 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.

"The magic of paradise, the understandable attraction to Hawaii's beautiful landscape, our verdant mountains, valleys and plains, swaying palms, white sand beaches and rolling surf, our pleasant year round weather, friendly people and Hawaii's reputation as a safe place to live, to have a second home, either to visit or as an investment, are all reasons that our choice lands and properties are being purchased at an increasing, even and alarmingly escalating rate for the very wealthy, not only from across our nation but other parts of the world.

"Very emphatically, now is the time for us to act and we must not tarry. Mr. Speaker, we the Members of this Body and the general public all remember the Opening Day speech and the initiative which you declared. That we, this Legislature, would establish the land conservation fund to acquire our most precious lands in perpetuity for the benefit and enjoyment for all our generations to follow. We thank you, Mr. Speaker, for this bold initiative as we also acknowledge the many organizations and individuals who have formally and very strongly supported this measure.

"Mr. Speaker, there are quite a number of organizations. And with your permission, we would like to have the names of these organizations to be inserted into the Journal for posterity. There are two people in the audience that we should recognize. Mr. Jeff Mikulina who is the Executive Director for the Sierra Club, and also Josh Stanbro who is a Project Manager for the Trust Group Public Land of Hawaii. Please stand to be recognized and we thank you, as well as all the other organizations who supported this measure, including raising the Conveyance Tax.

"H.B. 1308 is truly landmark legislation and is definitely one of the most important measures of this Legislative Session because it will provide funding not only for the acquisition of our precious lands, but also make available direly needed monies so that we can more adequately address the State's affordable housing crisis.

"The most appropriate and palatable means to meet the goals of these two programs of the highest priority is to increase the State's Conveyance Tax. Raising the Conveyance Tax or any tax is an action, which this Body and your Majority take very seriously. And we are proceeding to do so, only because there are really no other alternatives for these absolutely must-do programs.

"We will be criticized by some for this tax increase, but unjustly, and only from a relatively few, but loud voices. Conversely, our failure to act to meaningfully satisfy both the affordable housing crisis and the preservation of our precious lands will indeed warrant just criticism from both our citizens today who are in dire need of shelter, and from our children and all generations to follow for not having the courage to take required action. Let it not ever be said that we lacked the courage to do the right thing, especially for these must do purposes.

"Our action today will not impact most of Hawaii's residents who live in their own homes because all conveyances of owner-occupied residences for sales under \$600,000 will remain unchanged at the current of 10 cents per \$100. For sales from \$600,000, but less than a million, the rate will be increased to 20 cents per hundred. Sales over \$1 million will be up to 30 cents per one hundred."

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

Representative Kanoho continued, stating:

"Thank you very much. While the purchaser is ineligible for home exemption, the tax rate will be 15 cents per one hundred for sales under \$600,000. 25 cents per one hundred for sales of \$600,000, but less than \$1 million. And 35 cents per one hundred for sales over \$1 million. Of the anticipated \$36 million which will be generated, 10 percent or \$3.6 million will be allocated to the Legacy Lands Fund. The Rental Housing Trust Fund will receive 30 percent or \$10.8 million, which is up substantially from \$3.8 million. The Natural Area Reserve allocation will remain unchanged at 25 percent but the dollar amount will more than double to \$9 million.

"Incidentally, the organizations involved in the Natural Area Reserves have been advised that some adjustments will be made to that formula so that we can distribute funds appropriately to DLNR for caring for conservation areas as well. The general fund percentage will decrease from 50 to 35 percent, but the dollar amount will be \$12.6 million, an increase from \$7.7 million.

"Mr. Speaker, we must discuss here a related dilemma which some of our Members face. During the heat of the last election campaign, it is understandable that some candidates for elective office succumbed to signing pledges against raising taxes. Certainly, as elected officials, we must take our pledges seriously. We must also realize that an inherent part of our legislative responsibility is a commitment to, one, help provide to our people the basic need of shelter and the safety and wellbeing that that shelter provides. And secondly, to preserve our precious lands for future generations."

Representative Shimabukuro rose to yield her time, and the Chair "so ordered."

Representative Kanoho continued, stating:

"Thank you very much. Each who signed a pledge or may be apprehensive about levying a conveyance tax increase must balance the scale for themselves. In doing that, we must remember that the scale should always tip towards doing the right thing.

"The justification for increasing the conveyance tax for two high priority purposes of housing and land preservation lie in the following. One, Hawaii's conveyance tax is one of the lowest, if not the lowest, in the country. Two, looking at available statistics, it appears that this increase will still place Hawaii at or below the nation's median rate. Three, 93 percent of all conveyances in Hawaii are below 600,000, which means that only a very small percentage of Hawaii's homeowners will be impacted by this increase. And four, there is a clear relationship between the conveyance tax and both affordable housing and the acquisition of precious lands.

"It is also entirely proper and appropriate that all those who are blessed with good fortune and wealth, who can purchase high end properties, that they should share a portion of that wealth with the less fortunate, not only because they can afford it but because it is the right thing to do. And five, there is strong support for the passage of this measure.

"For all of these reasons Mr. Speaker and Members, House Bill 1308, House Draft 1, Senate Draft 2, Conference Draft 1, the Legacy Lands Act, truly deserves a yes vote from each and every one of us because it is the right thing to do. Thank you, Mr. Speaker."

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

"Thank you. In support. Just some observations, Mr. Speaker. I am in support. I think it's quite disingenuous to call this the Legacy Lands Act when we would only use 10% of this tax for that purpose. It would be more straightforward to the community if we picked a title that better described exactly what we're doing with the funds. And if I could point out Mr. Speaker, that if you add it all up, we spend less than 1 percent of our budget on the environment. Kind of an amazingly small number for a State that relies on its environment for its economy and its future. I just thought I would point that out, Mr. Speaker.

"This really hardly is the Legacy Lands Act. Providing such small amount of money to acquire legacy lands and that it only represents 10 percent of the tax that we're collecting. Thank you."

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

"Thank you, Mr. Speaker. On the same measure, I stand in strong support. I'd like to thank the Chair of Water, Land for his great effort and also the Committee Members on this historic bill. And I'd also like to have his comments inserted in the Journal as part of mine.

"But I have a few comments to add because, especially representing the North Shore, especially our pristine area. And it really helps the area I have, Pupukea-Pamalu, that we try to get money the other year. And what this bill does is basically look at the future colleagues, that we're treating our *aina* with the utmost respect. It is very imperative. We must keep in mind not only the fiscal impact that this bill will have on our State economy. We must also be aware that Hawaii will continue flourish with its beauty and unique culture.

"As a local boy, born and raised on a plantation in Waialua, and continues to reside there, I say with great pride that the natural resources of the State of Hawaii are truly unlike any other places in the world. Therefore as lawmakers, policymakers, and statesmen, we must do everything within our power to ensure that this paradise we call home will be preserved for the generations to come. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of Conference Committee Report No. 146, House Bill No. 1308, HD 1, SD 2, CD 1, Relating to Land Conservation. Mr. Speaker, just briefly, but first off I'd like to have the words of the distinguished Chair of the Water, Land Committee as my own.

"Mr. Speaker, I believe that when I spoke earlier, about 59 days ago, at the opening of Session, I would hope that as Democrats, we could aspire to serve as well, and with as much foresight and courage and boldness as our forefathers who had come before us. And 59 days ago Mr. Speaker, I did mention, along with yourself, that one of the things that one of the things we hoped to pursue was to produce a measure like this Legacy Lands Act to protect our most precious, natural, cultural resources for the future generations of Hawaii people.

"Well today is the day we have the opportunity to vote on this measure Mr. Speaker. And it is with great pride and with satisfaction that I am pleased to be here today. Because I believe Mr. Speaker, that should we pass this measure out and should the Governor find favor with this measure, that fifty years from now, all our predecessors will look back and look back upon us very fondly for making this bold commitment to our environment for all of Hawaii's people. As one of our

colleagues said, 'It's all about tomorrow, today.' And it's all about today, tomorrow. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support with deep reservations. Mr. Speaker, we heard some blunt talk about this being an achievement of the Democratic Party and about it being courageous. Mr. Speaker, it's not courageous when the Democratic Party raises taxes. It's normal. And what is courageous is what the Chair of the Finance Committee referred to and that was the tax cuts that were instituted under the previous Governor that helped usher in the prosperity that we currently enjoy.

"Raising taxes is the wrong thing to do. And this was a bill that could have been financed by giving the share of the conveyance tax that goes to support the Legacy Lands, 25 percent, that's what it was originally called for. No tax increase. Take 25 percent of the fee and give it to create this Fund. That's the way it should have been done. And we should have also taken the Rental Housing Trust Fund up from 25 percent to 50 percent. Kept the Natural Area Reserve Funds at 25. And not taken money out of this tax for the general funds to support pay increases for public sector employees. And as the Representative from Kihei pointed out, keep funding our environment at only 1 percent.

"We have to be clear. Environment is at the expense of what we're doing with our major portion of the budget which is raising public sector pay. That's primarily what we're about. That's why we come together as a Legislature. And we're talking about crumbs here for the environment. And crumbs that we've realized only by raising taxes. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in strong support of this Conference Committee Report 146, House Bill No. 1308. A few weeks ago I spoke about the island of Molokai that went through an auction, a land auction, of property owned by a private owner who put out a notice to the community to the highest bidder who could buy this acreage of land. And if we had this Fund in place, they would be able to raise the money to preserve and conserve the land that they were fighting so for. And because of not having this in place at the time, they were unable to. And it did get divided and bought by other buyers from the Mainland.

"In Hana, we have the same problem. Ag lands are being sold to the highest bidder. So I stand in strong support because this is something that is better than nothing. And the original House Bill did ask for the 25 percent without the tax increase. But as you know, through our legislative process, we had to compromise. And through this process, now we're able to allocate some of that funding to rental housing as well, to provide for our homeless, whom I have many homeless in my district as well. So I stand in strong support. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I'd just like to have the words of the Chair of the Water, Land Committee adopted as my own in the Journal. I just want to say that this bill is both practical and visionary. It's practical in the sense where it's going to provide incentives for more affordable homes to the Rental Housing Trust Fund. It's visionary in terms of providing for the future, especially for our children.

That they will be able to enjoy the best of Hawaii. And someone mentioned that 10 percent is not enough, but 10 percent is better than zero. So I think we've established a vision and hopefully we can continue to do so. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. First of all, I'd like to adopt the words of my Chair of the Water, Land Committee. I had a very long speech but he pretty much said everything. So I just have four very brief points to make.

"In response to the Minority Leader's comments, we're on Final Reading. We're not at Crossover. We're not at Second Reading before the Cross. We're in Final Reading. This bill is about to go to the Governor for her approval or for her veto. I simply don't understand how someone can vote yes and then make a speech against the bill. And I would like some clarification on that.

"The second point is I want to give you some perspective because everybody talks about 10 cents per hundred, 15 cents per one hundred dollars worth of value. I want to give you a sense of how much extra this is going to add to the cost of say a \$500,000 home. First of all, a \$500,000 home gets conveyed; zero dollars extra in conveyance tax. A \$700,000 home gets conveyed under this law, they would pay an extra \$700 in conveyance tax. There is no way that any transaction in the State of Hawaii will or will not happen on the basis of a \$700 additional conveyance tax. Everybody knows all the taxes and fees associated with a real estate transaction get rolled into mortgage. So we're going to amortize \$700 into a 30-year mortgage. I don't know what that is, but it's not a lot. And it will not push any transaction over the edge one way or the other.

"Third, this bill will generate a bunch of money for certainly more causes than simply Legacy Lands. But \$3.5 million is the estimated amount of State money. We are leaving two to three to four million dollars worth of federal money on the table every year because we are putting up no money for the purchase of public lands. There is federal money every year from the Department of Agriculture, from NOAA, from the Soil and Water Conservation for the protection of public lands. And we need simply send it back to Washington because we don't put up the federal and private match.

"It's estimated that there's \$3.5 million that will leverage a total of \$10 million every year for the preservation of public lands. It will also generate an additional \$10.5 million. And it's important to say that for the Rental Housing Trust Fund, this actually fully funds the recommendations of the Affordable Housing Task Force. It generates an extra \$4.5 million for the Natural Area Reserve Fund as well. And Natural Area Reserves are actually designated the most biologically significant areas in the State of Hawaii. So while we're talking about preserving those areas that are endangered of being developed on coastlines and up *mauka* where second home developments are likely to be built, we also have to think about preserving our biological legacy. And this bill will do exactly that.

"Finally, in addition to thanking the two members in the audience, I did want to acknowledge the work of our former Representative Sol Kaho'ohalahala; Theresa McHugh, the former Director of the Trust for Public Land; Tim Johns; Bill Paty; and the many others who have been working on this bill for about five years. Thank you."

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

"I'm in support of the concept, but I'll now be voting no, Mr. Speaker. I come from a family that's been for the environment. Everything that I've done as a child has been to promote the respect of the *'aina*. But being on the Finance Committee, knowing that we have a biennium budget of \$8.9 billion that we couldn't find just a few million extra dollars for this landmark legislation and to do the right thing. Instead we have to give peanuts to the environmentalists and put them at odds with the communities that feel that we are being taxed to death. Thank you."

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

"Thank you, Mr. Speaker. I'm going to be voting against this measure. I have signed a no new tax pledge. I have signed that every year that I've been in the Legislature and I take it seriously.

"In the Finance Committee, you could just see that people testifying look at this conveyance tax as a 'cash cow'. This may not seem like a huge amount that we're raising it. But from 10 cents to 35 cents is quite a big jump. As the Chairman of Water, Land said, we are the low end now of the conveyance tax compared to other states. But we have been for a long time on the high end on the values of property here in Hawaii. In his comments a few moments ago, he said that with these raises, we would be in the middle. In the middle, we've come to the middle. So we are raising a tax and that's a problem I have there.

"I also feel like we're at odds with some of our goals. Your speech on Opening Day, the Governor in her State of State pointed out that affordable housing is a huge problem in this State and it would be one of our top priorities to see what we can do about that. A task force that met last summer came up with recommendations. And yet we raise the conveyance tax and we put 10 percent of it into this new Legacy Land Fund and we only add 5 percent more to the Rental Trust Fund. Which one's more important to us, the Legacy Land Fund or really getting some money in there for the Rental Trust Fund?

"We have to make some decisions. I realize it's very tempting to see all this federal money that's available and that can be matched and we can buy more property, save important pieces of property for the public. But as my colleague from Hawaii Kai brought up, such a huge percentage of the land in the State of Hawaii, our island state, is already owned by either large landowners, its protected in ag, it's in conservation. And just a very small amount is in urban and rural. So what's important to us? Do we want to get people in houses? Or do we want to keep people off the land, protect it so that we can just look at it and enjoy it as public parks that need to be maintained. What about the people who need housing?

"So I think we're a little bit conflicted. But I'm not conflicted. Yes, I get excited if I was with the Trust for Public Lands because this opens an avenue to buy some beautiful pieces of property. But as a legislator, I have to make good on the promises that I make. I don't want to see taxes go up. This is just the beginning. Looking at these figures, it reminds me of the cigarette tax. It goes up every year because it's so easy to do. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in strong support of this. My reason for it is we're taxing the rich. They're the ones who have come

up and bought the land that has made it impossible for poor people or middle-class people to buy homes. So I would go for taxing them 50 cents per hundred. Thank you. I didn't make any promises either to my people that I wouldn't raise taxes. I think this is the way to make taxes if we can tax the rich. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. I would like to adopt the words of the gentleman from Kauai, my colleague from Kauai as my own; as well as the Representative from Makiki; and the Representative from Puna. She always talks straight.

"But also, this increase in the conveyance tax is really a small investment in the quality of life for all Hawaii's residents whether you're rich or poor. And it's also an investment for future generations. So I'm really proud of this piece of legislation. Thank you."

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

"Thank you. In strong support, Mr. Speaker. A previous speaker, the Minority Floor Leader, made the point that we're only increasing the percentage by 5 percent. While this is true, this is actually going to increase the amount that goes to the Rental Housing Trust Fund by three times. It's going to increase to about \$10.8 million. It presently gets about \$3 million, Mr. Speaker. So while it's only 5 percent, it is a big chunk.

"And I understand a lot of the Members' concerns increasing taxes. Nobody wants to increase taxes. I don't, and I assume most people don't. But I think they have to keep in mind that we have the lowest conveyance tax in the nation.

"And as for the task force, the Governor's Task Force on Housing, they made the recommendation to increase to increase the conveyance tax. When they made that recommendation, in their report, they said, we need the political will and the commitment to work together to create partnerships and a combination of incentives to address the affordable housing shortage.

"Mr. Speaker, the political will that we're speaking of is exactly this. I think it takes courage to do this. Not the opposite like a previous speaker insinuated. I believe that what we're doing today will be beneficial not only to housing, but to future generations to enjoy our island. Thank you."

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

"Thank you, Mr. Speaker. I was challenged specifically to explain my 'yes with reservations' speech. Actually Mr. Speaker, I have to credit the Members of the Majority for teaching me how to make a with reservations speech that is primarily against a bill. However, I do want to say that I very much support spending money to acquire land.

"As I think about it, when you get down to it, the best way to preserve the environment, it actually ends up to spend money. You really have to spend money to protect the land. You got to spend money to acquire land. So I totally support the idea of the Legacy Lands program. And I supported the original concept, as the Representative from Makiki would know if he carefully listened to what I said. I support the concept of 25 percent of the conveyance tax going for that program along with 50 percent of the conveyance tax going for our real strong

need for rental housing. Those were good ideas. I'm sorry we didn't do them. Thank you."

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

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

"Thank you. In support with deep reservations. I would ask to adopt the words of the Minority Leader of Waikiki on both times. And perhaps I can explain my vote this way.

"I did support the previous draft. I thought that was a very ideal draft. Because lands are so important to not only the beauty of our islands, but to I think the health of our people, that's why I feel I must support this measure. But I am very deeply regretful of the way that we're doing it. Thank you."

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, I am in support. This bill represents the future for Hawaii. As we have a hot real estate market, like that in the 80s, we have seen a strong drive to develop unused lands. While this is necessary for the future development of Hawaii's economy, so must we plan and protect for the future conservation of our lands in order to ensure that our grandchildren will have a Hawaii that is not overdeveloped or look like some other state on the mainland. I ask that my fellow members support this bill."

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:

"In voting no on this measure, I want to make it clear that I am in favor of the reapportionment of the Conveyance Tax Fund. I strongly support the larger percentage of money that will go toward rental housing and the construction of affordable housing. It is also meritorious to purchase land for conservation and/or agricultural purposes and maintain that land for perpetuity.

"I do oppose the increase in the conveyance tax and vote no because of the increase. With increased sales over the past few years, at higher and higher prices, the balance has been climbing every year. Our housing market is 'superheated' with the median price of houses on Maui now exceeding \$700,000. I understand that the higher tax rate will bring in \$10 million/year.

"Those who claim that the tax increase will impact only on the rich are not based in reality. I suggest that they read the real estate sections of our daily newspapers.

"The excise tax is probably going up 1/2%. Property taxes on Oahu are expected to rise. The sewer tax is also expected to go up. There is talk about an eventual sales tax on Internet sales. Tuition is more expensive. So are airline tickets and gasoline prices. Shipping costs have gone up regularly. Construction commodities are in short supply. In our wisdom, this Legislature has not granted any tax relief for Hawaii residents. How are people ever going to save money to buy a house? How can small business survive with cost hikes at every turn?

"If you are not worried, I am. I remember the 1990s when the local economy was in distress. It can happen again."

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 bill is to protect and conserve Hawaii's natural beauty and resources for current and future generations by establishing permanent adequate funding for land conservation by increasing the conveyance tax on a sliding scale.

"This measure dedicates ten percent of the annual proceeds from the conveyance tax for land conservation and increases the allocation of the conveyance tax to the Rental Housing Trust Fund from 25 percent to 30 percent to help address Hawaii's critical affordable housing and homelessness crisis.

"Hawaii's greatest housing need is housing for those earning below fifty percent, and from fifty to eighty percent of the median family income. Over twenty eight thousand units are expected to be needed, and nearly forty percent of those will be needed by those earning below eighty percent of the median family income.

"These households carry the heaviest burdens with regard to the cost of rent, substandard housing quality, and overcrowding. Over forty-seven percent of all households (family of four) statewide have incomes at or below eighty percent of the median family income.

"The "Homeless Point-in-Time" report of 2003 found that approximately six thousand persons are homeless statewide at any given time. Of these six thousand persons, four thousand have no shelter, and the remainder live in temporary shelters.

"In 2003, the number of persons homeless during the year exceeded fourteen thousand persons. However, even more troubling is the dramatic increase in the number of "hidden homeless". The "hidden homeless" are those relying on public assistance, relatives, or friends for shelter because they cannot afford to live on their own.

"From 1992 to 2003, the hidden homeless more than doubled, from over ninety thousand to over two hundred twenty thousand persons. The very tight housing market in Hawaii drives out those who can least afford to pay for housing.

"In short, affordable rental housing in Hawaii is in short supply or nonexistent. Even moderate-income families are priced out of the housing market.

"Currently, the Rental Housing Trust Fund, established to increase the number of available rental housing units in the State, helps provide about two hundred to two hundred fifty units per year. But additional units are needed immediately to relieve families caught in crisis.

"One method of increasing funds to the Rental Housing Trust Fund is by increasing the conveyance tax rate, as recommended by the affordable housing task force. This is an appropriate method to fund affordable rental housing projects.

"The conveyance tax is currently at the rate of 10 cents per \$100 of the price of the property. Statistics indicate that 92% of the properties sold in 2004 would not have been affected by the new tax rate structure in this bill.

"A higher conveyance tax rate increase for purchasers of residential property who do not intend to be owner-occupants is appropriate to discourage speculators who are driving up the cost of home ownership that results in a reduction of the amount of housing stock that is affordable to families."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 147 and H.B. No. 1554, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1554, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I just have to point out this was a great bill in its inception. It was fought to the bitter end by the Chair of Water, Land for the right outcome. And unfortunately ended up with only \$75 thousand in it to effectuate the goals of this bill. That won't convert more than a single apartment complex somewhere in this State. And a pretty small one at that. So it's pretty sad the way it came out. That's true with a lot of legislation this year. The money just isn't there to take care of the problem. 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. 1554, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 148 and H.B. No. 1462, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1462, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

At this time, Representative Meyer offered Floor Amendment No. 6, amending H.B. No. 1462, SD 1, CD 1, as follows:

SECTION 1. House Bill No. 1462, Senate Draft 1, Conference Draft 1, is amended by adding a new part to be designated as "Part III", and to renumber subsequent sections, to read as follows:

"PART III.

SECTION 9. Section 383-61, Hawaii Revised Statutes, is amended to read as follows:

"§383-61 Payment of contributions; wages not included.
 (a) Contributions with respect to wages for employment shall accrue and become payable by each employer for each calendar year in which the employer is subject to this chapter. The contributions shall become due and be paid by each employer to the director of labor and industrial relations for the fund in accordance with ~~such~~ the rules as the department of labor and industrial relations may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in the employer's employ.

(b) Except as provided in subsections (c) ~~and~~, (d), and (e), the term "wages" does not include remuneration paid with respect to employment to an individual by an employer during any calendar year which exceeds the average annual wage, rounded to the nearest hundred dollars, for the four calendar quarter period ending on June 30 of the preceding year.

The average annual wage shall be computed as follows: on or before November 30 of each year the total remuneration paid by employers, as reported on contribution reports on or before ~~such~~ that date, with respect to all employment during the four consecutive calendar quarters ending on June 30 of ~~such~~ that year shall be divided by the average monthly number of individuals performing services in such employment during the same four calendar quarters as reported on ~~such~~ the contribution reports and rounded to the nearest hundred dollars.

(c) For calendar years 2005, 2006, and 2007 only, the term "wages" as used in this part does not include remuneration in excess of \$7,000 paid with respect to employment to an individual by an employer. This subsection shall apply only to the contribution rate paid into the unemployment insurance trust fund.

~~(d)~~ (d) For the calendar year 1991 only, the term "wages" does not include remuneration in excess of \$7,000 paid with respect to employment to an individual by an employer.

~~(d)~~ (e) For calendar year 1988 only, the term "wages" as used in this part does not include remuneration paid with respect to employment to an individual by an employer during the calendar year ~~which~~ that exceeds:

- (1) One hundred per cent of the average annual wage if the most recently computed ratio of the current reserve fund to the adequate reserve fund prior to that calendar year is equal to or less than .80; or
- (2) Seventy-five per cent of the average annual wage if the most recently computed ratio of the current reserve fund to the adequate reserve fund prior to that calendar year is greater than .80 but less than 1.2; or
- (3) Fifty per cent of the average annual wage if the most recently computed ratio of the current reserve fund to the adequate reserve fund prior to that calendar year is equal to or more than 1.2;

provided that "wages" with respect to which contributions are paid are not less than that part of the remuneration which is subject to tax in accordance with section 3306(b) of the Internal Revenue Code of 1986, as amended.

~~(f)~~ (f) If an employer during any calendar year acquires substantially all the property used in a trade or business, or in a separate unit of a trade or business, of another employer, and after the acquisition employs an individual who prior to the acquisition was employed by the predecessor, then for the purpose of determining whether remuneration in excess of the average annual wages has been paid to the individual for employment, remuneration paid to the individual by the predecessor during the calendar year shall be considered as having been paid by the successor employer. For the purposes of this subsection, the term "employment" includes services constituting employment under any employment security law of another state or of the federal government.

~~(f)~~ (g) Subsections (b) through ~~(f)~~ (f) notwithstanding, for the purposes of this part the term "wages" shall include at least that amount of remuneration paid in a calendar year to an individual by an employer or the employer's predecessor with

respect to employment during any calendar year which is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.

~~(h)~~ (h) In accordance with section 303(a)(5) of the Social Security Act, as amended, and section 3304(a)(4) of the Internal Revenue Code of 1986, as amended, any contributions overpaid due to a retroactive reduction in the taxable wage base may be credited against the employer's future contributions upon request by the employer; provided that no employer shall be given a cash refund."

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored."

SECTION 2. House Bill No. 1462, Senate Draft 1, Conference Draft 1, is amended by amending the effective date of the Act, and renumbering the section of the bill, to read as follows:

"SECTION 11. This Act shall take effect on July 1, 2005, provided that section 9 shall take effect upon approval."

Representative Meyer moved that Floor Amendment No. 6 be adopted, seconded by Representative Finnegan.

Representative Meyer rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. This amendment deals with reducing the employer's contributions to the Unemployment Insurance Trust Fund for a three-year period. I have brought this amendment forward because at this point in time, Hawaii's unemployment rate is the lowest it has been in 14 years. This job growth has grown the Unemployment Insurance Trust Fund substantially.

"In 2003, the Fund's balance was approximately \$342 million. Presently, the Fund is close to \$400 million with estimates that it will reach \$550 million by January of 2008. With more people working, less money is being paid out of the Fund. Given this situation, this is the perfect time to give some tax relief to our private sector employers. While it is important to maintain a healthy Unemployment Insurance Trust Fund, this amendment is intended to ensure that Hawaii's employers will realize \$300 million of tax savings over the next three years. This tax relief could help stimulate small business growth, provide immediate economic prosperity that will give employers more money to create new jobs, expand benefits, and provide pay raises. That is certainly something we should all support. That money is just sitting in the account and this bill could get it out and working.

"Hawaii has the highest maximum taxable wage base in the nation, set at \$32,300, while 60% of the other states are set at \$8,000 or less. What does that mean? Well, employers here in Hawaii must pay anywhere from 2 to 5.4 percent on all wages up to \$32,300. That money will go into the Unemployment Insurance Fund. While most of the other states pay unemployment insurance based on a much lower wage base, one might make the case that Hawaii employers have been paying too much into the Unemployment Insurance Fund over the years. This amendment will create a much-needed temporary tax relief program for our small business owners and stimulate our economy without decreasing employee benefits or placing the Unemployment Trust Fund in jeopardy.

"I would encourage everyone here on the Floor to support this amendment. We are coming to the end of the legislative cycle. We have virtually no real pro-business bills. This would

help to counter the minimum wage bill, which is sure to pass. And would give a lot of much needed assistance to small businesses and they would be most appreciative if we could do this. Thank you, Mr. Speaker."

Representative Caldwell rose to speak against the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to the amendment. Mr. Speaker, two points. Number one, I don't quite understand why we're doing this at this point given that the Senate has voted down this amendment. So in fact, if this amendment were to pass this evening in the House, we would basically kill the underlying bill, which troubles me and I think it should trouble many in this Body because this underlying bill pertains to two very good programs.

"The first one deals with the Attorney General administering programs dealing with prevention of sexual violence and the protection and treatment victims of sexual violence. Why would we want to jeopardize that program? And the second program is a program that's strongly supported by the Department of Health regarding involuntary response program. Both of them are good programs. We're now placing them in jeopardy by trying to amend this bill.

"Having said that Mr. Speaker, I think the amendment itself is misguided. The basic point is this Mr. Speaker, as stated, we are in a very great economic time. And yes it would be nice to give business a little bit more money now at time when they are already doing pretty well. Everyone can use more money. But the concern I think that this Body has to look at is what is the impact of that going down the road. Because under this proposal, they're suggesting reducing the cap on wages from \$32,000 to \$7,000, which will have a dramatic impact on the Fund itself.

"I think the wiser course is to look at maybe giving a break like when times are bad. And some may argue, when will that ever be? Have we ever done it before? Mr. Speaker, this Body has done it before. The first time, probably before many, many other times, but two that I can point to, is one in 1991 after the first Gulf War. Remember, we are in a Japanese bubble. Things were going incredible. Everyone was making money. The real estate market was through the roof. The Gulf War started and the bubble burst. The Japanese stopped coming. The real estate market crashed. That happened in the fall. The Legislature came into Session and immediately imposed restrictions that reduced the amounts that businesses had to pay in.

"Again Mr. Speaker, that happened after the 9/11 tragedy, just a couple of years ago. It happened in the fall again. We came in in 2002 and held the schedule at a C-level when really should have dropped down to a D. If it did, we would be requiring businesses to pay more money at the very time that they were suffering huge economic consequences.

"Now under this proposal, the cap would remain in place in 2008. It's hard to predict where our economy will be in 2008. And most economists don't like to predict that far out. But I think what we should look at is when times do get bad. Perhaps we could freeze the contribution for the remainder of the year and help businesses at that time. If we do it now, we're actually going to force the scheduling to a D-level probably, Mr. Speaker. Meaning that companies will have to pay more in once the cap is removed in 2008. For that reason Mr. Speaker, I encourage all of us to vote no on this."

At 7:46 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:46 o'clock p.m.

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. Well, hearing the comments from the Chairman of Labor, I feel somewhat encouraged. Hopefully, we will look at something positive like that if this amendment doesn't pass. But I don't think there's any concern about going into a schedule D being that the unemployment is so low that the payout is not more than \$90 million. We will not be that low. And if we did have a 9/11 or some really unpleasant world catastrophe, we would come into Session and we could change things. So there's absolutely no danger in that happening. Thank you, Mr. Speaker."

The motion that Floor Amendment No. 6, amending H.B. No. 1462, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," be adopted, was put to vote by the Chair and failed to carry, with Representative Nakasone being excused.

(Main Motion)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1462, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 149 and H.B. No. 1224, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1224, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

At this time, Representative Moses offered Floor Amendment No. 7, amending H.B. No. 1224, SD 1, CD 1, as follows:

SECTION 1. House Bill No. 1224, Senate Draft 1, Conference Draft 1 is amended by amending Section 1 to include the designation "Part I" to the section, to read as follows:

"PART I.

SECTION 1. The legislature finds that the National Conference of State Legislatures estimates that, in 2003, Hawaii lost approximately \$112,000,000 to \$117,000,000 in state and local revenues due to the State's inability to capture tax revenues from electronic commerce transactions. The National Conference of State Legislatures estimates that, by 2008, Hawaii will lose between \$157,000,000 and \$245,500,000 if nothing is done by that time. Hawaii stands to be one of the top ten states in terms of tax revenues lost in electronic commerce transactions.

The legislature also finds that, with regard to the loss in revenues due to the State's inability to tax electronic commerce, Hawaii's situation is not unique. Other states are currently dealing with this very same problem. To this end, the Streamlined Sales Tax Project (Project) is an effort created by state governments, with input from local governments and the private sector, to simplify and modernize the collection and administration of the sales and use taxes. The Project's proposals include tax law simplifications, more efficient administrative procedures, and implementing emerging technologies to substantially reduce the burden of tax

collection. The Project's proposals are focused on improving sales and use tax administration systems for both local businesses and remote sellers of all types of commerce. Forty-two states and the District of Columbia are involved in the Project. Nationally, forty-five states and the District of Columbia impose a sales and use tax.

The Project was organized in March 2000, and is conducting its work through a steering committee with co-chairs and a number of work groups. Project participants are generally state revenue department administrators, as well as representatives of state legislatures and local governments. Businesses, including national retailers, trade associations, manufacturers, direct marketers, telecommunications companies, leasing companies, technology companies, printers, accounting firms, and others, have actively participated in the Project by offering expertise and input, reviewing proposals, suggesting language, and testifying at public hearings.

The goal of the Streamlined Sales Tax Project is to provide the states with a streamlined sales tax system that includes the following key features:

- (1) Uniform definitions within tax laws. Legislatures still choose what is taxable or exempt in their state. However, participating states will agree to use the common definitions for key items in the tax base and will not deviate from these definitions. As states move from their current definitions to the Project's definitions, a certain amount of impact on state revenues is inevitable. However, it is the intent of the Project to provide states with the ability to closely mirror their existing tax bases through common definitions;
- (2) Rate simplification. States will be allowed one state rate and a second state rate in limited circumstances (food and drugs). Each local jurisdiction will be allowed one local rate. A state or local government may not choose to tax telecommunications services, for example, at one rate and all other items of tangible personal property or taxable services at another rate. State and local governments will accept responsibility for notice of rate and boundary changes at restricted times. States will provide an on-line rate/jurisdiction database to simplify rate determinations;
- (3) State level tax administration of all state and local sales and use taxes. Businesses will no longer file tax returns with each local government within which it conducts business in a state. Each state will provide a central point of administration for all state and local sales and use taxes and the distribution of the local taxes to the local governments. A state and its local governments will use common tax bases;
- (4) Uniform sourcing rules. States will have uniform and simple rules for how they will source transactions to state and local governments. The uniform rules will be destination/delivery based and uniform for tangible personal property, digital property, and services. Special sourcing rules will be developed for unique industries;
- (5) Simplified exemption administration for use- and entity-based exemptions. Sellers are relieved of the "good faith" requirements that exist in current law and will not be liable for uncollected tax. Purchasers will be responsible for paying the tax, interest, and penalties for claiming incorrect exemptions. States will have a uniform exemption certificate in paper and electronic form;
- (6) Uniform audit procedures. Sellers who participate in one of the certified Streamlined Sales Tax System technology models will either not be audited or will have limited scope audits, depending on the technology model used. The states may conduct joint audits of large multi-state businesses; and
- (7) State funding of the system. Participating states will apportion costs of a third-party online sales tax collections software system among themselves. It is intended that each state's allocation of costs of the new software system will be paid out of the higher level of tax revenues collected under the Streamlined Sales Tax System Project.

The legislature further finds that the states are also participating in a joint business-government study of the costs of collection on sellers. The Project proposes that states change their sales and use tax laws to conform with the simplifications as proposed by the Project. Thus, the simplifications would apply to all sellers. Sellers who do not have a physical presence or "nexus" are not required to collect sales and use taxes unless Congress chooses to require collection from all sellers for all types of commerce. Sellers without a physical presence can volunteer to collect under the proposed simplifications. Registration by sellers to voluntarily collect sales and use taxes will not infer that the business must pay business activity taxes, such as the corporate franchise or income tax.

The legislature further finds that the Streamlined Sales Tax Project envisions two components to the legislation necessary to accomplish the Project's goals. First, states would adopt enabling legislation referred to as the Uniform Sales and Use Tax Administration Act ("Act"). The Act allows the State to enter into an agreement with one or more states to simplify and modernize sales and use tax administration in order to reduce the burden of tax compliance for all sellers and all types of commerce.

According to the Project, states would amend or modify their sales and use tax laws to achieve the simplifications and uniformity required by the participating states working together. The Project refers to this legislation as the Streamlined Sales and Use Tax Agreement ("Agreement"). Some states will require only minor changes to current law to implement the requirements of the Agreement. Other states with more complicated sales tax laws may require significant changes to current law to be in accord with the Agreement.

In Hawaii, the legislature finds that few amendments are needed to the State's existing general excise and use tax laws to comply with the requirements of the Agreement and Act. The legislature further finds that, with the amendments contained in this Act, Hawaii will have conformed in most respects to the seven key features described above. The legislature intends that passage of this Act meets the threshold requirements for Hawaii to petition for a certificate of compliance and membership under the Agreement.

A certificate of compliance would document each state's compliance with the provisions of the Agreement and cite applicable statutes, rules or regulations, or other authorities supporting such compliance. Public notice and comment will be provided before a state becomes part of the interstate Agreement. A state is in compliance with the Agreement if the effect of the state's laws, rules or regulations, and policies is substantially compliant with each of the requirements of the Agreement. If a state is found to be out of compliance with the Agreement, it will not be accepted into the interstate Agreement or will be sanctioned or expelled by the other participating states. In a voluntary system, sellers who are

voluntarily collecting sales taxes for participating states may decide to no longer collect for the expelled state. Also, that state may not have a vote on changes in the Agreement.

Under the Agreement, a governing board will be comprised of representatives of each member state of the Agreement. Each member state is entitled to one vote on the governing board. The governing board is responsible for interpretations of the Agreement, amendments to the Agreement, and issue resolution. A State and Local Government Advisory Council and a Business and Taxpayer Advisory Council from the private sector will advise the governing board.

On November 12, 2002, thirty states and the District of Columbia approved the interstate Agreement provisions. As of April 2004, twenty states have moved forward and enacted all or part of the conforming legislation. It is anticipated that states that enacted the conforming legislation and are found to be in compliance with the Agreement will continue as the governing states of the interstate Agreement of the future."

SECTION 2. House Bill No. 1224, Senate Draft 1, Conference Draft 1 is amended by adding a new part to be designated as "Part II" to read as follows:

"PART II.

SECTION 9. This part aims to provide income tax relief for lower-income individuals by raising the Hawaii standard deduction to approximately one-half of the 2004 federal standard deduction over a three-year period.

SECTION 10. Section 235-2.4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Section 63 (with respect to taxable income defined) of the Internal Revenue Code shall be operative for the purposes of this chapter, except that the standard deduction amount in section 63(c) of the Internal Revenue Code shall instead mean:

(1) For taxable years before January 1, 2006:

~~(1)~~ (A) \$1,900 in the case of:

~~(A)~~ (i) A joint return as provided by section 235-93; or

~~(B)~~ (ii) A surviving spouse (as defined in section 2(a) of the Internal Revenue Code);

~~(2)~~ (B) \$1,650 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);

~~(3)~~ (C) \$1,500 in the case of an individual who is not married and who is not a surviving spouse or head of household; or

~~(4)~~ (D) \$950 in the case of a married individual filing a separate return.

(2) For any taxable year beginning after December 31, 2005 and before January 1, 2007:

(A) \$3,000 in the case of:

(i) A joint return as provided by section 235-93;
or

(ii) A surviving spouse (as defined in section 2(a) of the Internal Revenue Code);

(B) \$2,300 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);

(C) \$1,500 in the case of an individual who is not married and who is not a surviving spouse or head of household; or

(D) \$1,500 in the case of a married individual filing a separate return.

(3) For any taxable year beginning after December 31, 2006 and before January 1, 2008:

(A) \$4,000 in the case of:

(i) A joint return as provided by section 235-93;
or

(ii) A surviving spouse (as defined in section 2(a) of the Internal Revenue Code);

(B) \$3,000 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);

(C) \$2,000 in the case of an individual who is not married and who is not a surviving spouse or head of household; or

(D) \$2,000 in the case of a married individual filing a separate return.

(4) For any taxable year beginning after December 31, 2007 and before January 1, 2009:

(A) \$5,000 in the case of:

(i) A joint return as provided by section 235-93; or

(ii) A surviving spouse (as defined in section 2(a) of the Internal Revenue Code);

(B) \$3,650 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);

(C) \$2,500 in the case of an individual who is not married and who is not a surviving spouse or head of household; or

(D) \$2,500 in the case of a married individual filing a separate return.

Section 63(c)(4) shall not be operative in this State. Section 63(c)(5) shall be operative, except that the limitation on basic standard deduction in the case of certain dependents shall be the greater of \$500 or such individual's earned income. Section 63(f) shall not be operative in this State. The standard deduction amount for nonresidents shall be calculated pursuant to section 235-5."

SECTION 3. House Bill No. 1224, Senate Draft 1, Conference Draft 1 is amended by renumbering the subsequent sections and amending the original section 10 to read as follows:

"SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 12. This Act shall take effect upon its approval; provided that section 7 shall take effect on July 1, 2005 and

Part II shall apply to taxable years beginning after December 31, 2005."

Representative Moses moved that Floor Amendment No. 7 be adopted, seconded by Representative Pine.

Representative Moses rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise to support the amendment. This amendment to House Bill 1224, SD 1, CD 1, seeks to add a new part to this bill to increase the standard deduction over the next three years to a level approximately one-half of the federal deduction as of 2004. Mr. Speaker, on Opening Day, we heard speeches from you and the Senate President that led the people of Hawaii to believe that tax relief would be the hallmark of this Session. As the Session unfolded, tax relief measures began to fall by the wayside. Measures proposed by Members of this Party, measures proposed by Members of your Party, measures proposed by the Senate, and measures proposed by the Administration. That is disheartening for those of us on this side of the aisle and for the people of Hawaii. And I suspect some of you as well.

"We have a chance to make it right, Mr. Speaker. We often talk about how the Legislature passes a balanced budget. If this is the case, this amendment is revenue neutral at worst. Revenue positive at best. Testimony on this issue pegged the fiscal impact of increasing the standard deduction as written in this amendment by approximately \$6 million for the first year, \$12 million for the next, and \$21 million for the third and out years. The underlying proposal however, which isn't incorporated in this amendment will bring in approximately \$33 million a year as testified by our Department of Taxation. In other words Mr. Speaker, this amendment pays for itself.

"We also know through previous debate and testimony that increasing the standard deduction targets tax relief to the poorest segment of society. I'm sure the Housing and Human Service Committees would be grateful for that, Mr. Speaker. Our economy is doing well enough. We know that there are people that are still in need of relief though Mr. Speaker.

"This amendment delivers relief to those that need it most. Think of the working poor. Think of those who are struggling to make a living and join with us in bringing some much needed relief to them. And to do the right thing.

"Mr. Speaker, relief is just a painless yes vote away. Now I know the next rebuttal is going to be that if we pass it, it doesn't make any sense because the Senate has already passed on this measure and they have rejected the amendment. However Mr. Speaker, you know as well as I that we can simply ask the Senate to reconsider the action previously taken on this measure on Thursday and we can pass this out, give tax relief to the people of Hawaii, and still make money. Thank you, Mr. Speaker."

Representative Takamine rose to speak against the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise to speak against the amendment. The one thing that I do agree with the previous speaker is that Members from both sides of the aisle were in support of tax relief and hopefully for this legislative Session. I believe Mr. Speaker, if the financial resources were there, we would be at this point, taking positive action on providing tax relief to the people of Hawaii and probably to those with the greater needs. The resources were there Mr. Speaker, until basically the last two weeks of this legislative Session. Because when the Governor agreed to pay the teachers a \$100

million package in the collective bargaining and the negotiations, and then when she agreed to pay UPW an additional \$30 million for the biennium, pretty much, that used up whatever financial resources were available for tax relief.

"So Mr. Speaker, I guess there was some reference by the previous speaker or the sponsor of the amendment that we have financial responsibility, that we have the responsibility of balancing the budget. And I think that's something that we need to take seriously. Because at the beginning of today's agenda, on our Order of the Day, we passed the State Budget by fifty to one. Fifty Members of this Body voted to support the budget and the financial plan behind that budget. If nothing else, we do have a constitutional responsibility to pass a balanced budget. And that is a serious responsibility.

"Many of us in various speeches have made reference to that responsibility. When we come now at this juncture, and then offer an amendment that will definitely cost us money, we can talk about the dynamic impact and all the theories that many people who came in asking for tax credits, like the motocross. That was supposed to be revenue neutral because of all the additional revenues. And our responsibility was to scrutinize on the behalf of all the taxpayers in Hawaii, all of those allegations and to deal with real numbers. And the real numbers behind this measure, this amendment, if you include the out years, is \$60 million.

"Now we've heard allegations of people who bemoan the fact that we couldn't provide for this, or we couldn't provide for that, and there's these fees and all of that, and that's just it Mr. Speaker. It is a matter of tough choices. Yet tough choices are part of the responsibility we have, each one of us, as Members of this Body. Therefore, in light of the foregoing, I would recommend to the Members that we vote the amendment down."

Representative Moses rose to respond, stating:

"Mr. Speaker, I would like to call for a roll call vote. And my final rebuttal is that the Governor only agreed to the pay raises that were negotiated after the baseline had already been set by arbitration. Thank you."

At 7:55 o'clock p.m., Representative Takai requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:57 o'clock p.m.

The request for a roll call vote was put to vote by the Chair and upon a show of hands, the request was defeated.

The motion that Floor Amendment No. 7, amending H.B. No. 1224, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," be adopted, was put to vote by the Chair and failed to carry.

(Main Motion)

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

"Thank you, Mr. Speaker. I'm opposed to Conference Committee Report No. 149. Earlier we had a measure that increased taxes. It was a measure that is paving the way for a new tax. This is an Internet tax that we are preparing for. I am opposed to that. Thank you."

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

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

"Mr. Speaker, in support. I'd just like to point out that this has a long way to go, but it is in conjunction with the National Conference of State Legislatures, that throughout the nation, all states are looking at loss of revenues through the Internet. And this is just one way of leveling the playing field. Especially in an area of retail sales and services that may be unfairly depriving the states of their, general excise tax or sales tax. And this is just a first step in allowing another route of Internet taxation.

"Secondly Mr. Speaker, I've heard it mentioned many times on the Floor tonight by several members of the Minority Caucus, I guess for the record Mr. Speaker, I believe at the beginning of the Session you made no promises regarding any tax credits. I think that's important to put on the record this evening. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. I just recently ordered something over the Internet because it's just not available here. And I paid a tremendous amount of shipping, I thought, for the size and weight of the object. And I would think that if you look at the Internet shopping that is done, the amount of postage that you have to spend on it more than equates for buying it locally.

"In other words, I don't think there's unfair competition over the Internet because you don't just pick it up over the Internet. You have to get it mailed to you or shipped to you. So either you're waiting a great deal of time. I have now waited almost a month for this normal postage rate. Cost about \$9. Now you add that to the cost of the goods and it would be much easier for me to go right out in town and buy it. But it's just not available. So I don't think that we're unfairly competing in the Internet market with our retail merchants. Thank you."

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1224, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen, voting no.

Conf. Com. Rep. No. 150 and H.B. No. 1672, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1672, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Conference Committee Report No. 150, H.B. No. 1672, Regarding Grants-in-Aid, I'm standing in strong support on this measure. The reason I stand in strong support of this measure is because being the Chair of the Subcommittee on Grants-in-Aid, last year, that when we approved Acts 41, 45 and 154, there were like about 95 grants that were approved. Out of 95, we have as of April, only 44 percent have not been released by the Governor. And we just approved House Bill

No. 100, and this is a list of all the grants-in-aid that we have. The question that we have is that we have people going through Chapter 42F and submitting their application and going around talking to the various legislators on their needs.

"Whether it's for the social programs they might have, like Friends of Waipahu Cultural Park, we had the Hawaii Institute for Public Affairs, the Hawaii Legacy and others. Now these people come here because they have need. They have a need for their community they want to serve. And I think this bill gives them a chance. We've heard that once this is approved as an Act, that they should have the notification within 90 days by the Governor, whether the funds will be released or not, because people need that money for their program. With that, I stand in strong support, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1672, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Stonebraker voting no.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Marumoto introduced Boy Scouts from Troop 143, Manoa Ward, Church of Later Day Saints who attend Kaimuki High School, Washington Middle School and Star of the Sea. They were accompanied by their Scoutmasters, Mr. Dave Garcia and Mr. Fritz Rolwing.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 151 and S.B. No. 55, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 55, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I have brief comments in support with reservations. Actually not that brief, but just to explain myself.

"Mr. Speaker, the Senate President once told me a story about what first impressed him of you. You were a very young Chair of the Water, Land Committee, and there were some disagreements in your Committee and you told the members very passionately, 'We're going to vote on this measure, and I want to see all your colors.'"

"Mr. Speaker, I am going to reveal some of my colors to the Members. I've been struggling a lot on some issues and for this one, it's been a struggle for me and I'm trying to find a balance. Senate Bill 55, Relating to Meal Breaks. I was trying to find a balance between employers and employees. I respect anyone willing to put his or her savings and property at risk to start a business. I see this through experience from my friends and those people that are willing to take that risk. I feel that it is because of these risk takers that jobs are created for our State's workforce. Sometimes we often forget that there are business owners also struggling, living from paycheck to paycheck.

"On the other hand, I respect all the work labor has done for us, considering that my first job was working in the warehouse tagging merchandise all day long for eight hours or more.

"I have reservations on this measure because I feel there are times when we may be over-regulating business owners and entrepreneurs. Liabilities raise the cost of doing business in Hawaii, so therefore, I think we should carefully analyze whether we are overseeing Hawaii's business community or choking it.

"When I was in college, I worked for Duty Free Shoppers Hawaii in the flightline division. And some you Members, I told some of you in Caucus if you were there, sometimes it got real busy and the supervisor forgot to tell us, or they would offer me a meal break and I chose not to take it because they were undermanned. I didn't want to leave those guys short-handed. So I didn't take it.

"I'm just thinking there are some loopholes where a disgruntled worker could make a claim against the company for these missed meal breaks. Although, I wouldn't do it, a person wouldn't do it. For me and many other workers, I think they are grateful to have a job and feel loyal to the company that they work for. But at the same time, I'm struggling because maybe there is abuse going on that I don't know of, and we need to protect the workers. So that's one of the concerns that I have.

"Also on the other hand, I have concerns for the small businesses. One of the things I was looking at may be if there's something that we could do to protect companies with one, two, or a few employees. I hear stories where owners allow them to take breaks at the work site and this is to avoid closing the store or stopping the service to their customers. So I think maybe in the future we can try and take a look at these concerns.

"On a positive note, I am very proud of our Labor Chair's work in trying to find a balance. He put a clause in the bill to allow businesses to appeal for an exemption. I understand his job is a very, very tough one, and I understand that he's facing a lot of pressure too, so I see that point as well.

"So in my struggle on this issue in balancing business and labor, I had this really nice talk with Senator 'Najo' Yoshinaga, who's a former legislator from 1954 to 1974, and is a 442nd veteran. Whenever, I see the Senator, for some reason he always talks about business, creating jobs, technology, Enterprise Honolulu. And I'm thinking, wait a minute, this is a Senator ..."

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

Representative Karamatsu continued, stating:

"I was thinking this is a Senator who in his career worked on a lot of labor rights and worker's rights, and passed huge legislation such as the Prepaid Health Act, which a lot of states look at and wonder how we did it. I asked the Senator, 'Why are you so excited about business and economic development?' He simply replied, 'Jon, I had to adjust to the times. You cannot be extreme in one area.' In his twenty years in politics, he focused on the labor side. However, near the end of his career, he began to take an interest in business and economics. The Senator told me, 'I didn't do enough. By the time I started, it was too late. My twenty years were up.'

"Mr. Speaker, I will continue to try my best to make Hawaii economically stronger where risk takers are encouraged to create jobs and bring in revenue into Hawaii's treasury. We must not forget that these risk takers are providing more jobs for Hawaii's workforce. Further, I will continue to seek a balance between employers and employees. When Senator 'Najo' Yoshinaga's career ended in 1974, that's the year I was

born. I will continue where he left off to make Hawaii an economic power and I dedicate a part of my career to him. Thank you Mr. Speaker."

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

Representative Yamashita's written remarks are as follows:

"As an employer, I would like to keep my experienced employees, because they are vital to my business. In the current job market, this is challenging to do, so I do appreciate the motive behind this measure. I believe that employees deserve to have the ability to take meal breaks.

"I and other small business employers rely on the ability to provide continuous service to our customers. For small businesses, dedicated meal breaks may result in a disruption of service, particularly for evening or night shifts where a minimum of staff is practical. The bill allows employers to apply for exemptions from dedicated meal breaks. But it also grants the ability to revoke these exemptions to the Department of Labor and Industrial Relations.

"Without any criteria defining cause for revocation, the Director of DLIR may decide arbitrarily to revoke any exemption previously granted. If small businesses had some assurance that all applicants and grantees would be treated fairly and equally, I would support this measure wholeheartedly. If DLIR established rules and procedures regarding exemption revocation, I would be assured of equal treatment. But as it stands, DLIR may decide, for whatever reason, to revoke any exemption, and that concerns me. Without any assurance of a level playing field in our competitive market, I continue to have reservations about this bill.

"I would like to thank the Representative from Manoa for his leadership in this matter. He has been more than fair in addressing the concerns of businesses whose operation this measure may affect. I appreciate his willingness to listen and to try to address our concerns. Thank you."

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

"Also standing in support with reservations. I request that the words of the Representative from Upper Waipahu be inserted in the Journal as my own.

"My reservations stems from the same problems that I believe that the Representative from Waipahu is struggling with. This is a kind of balance between labor and businesses. More specifically the businesses who are struggling to try to find ways to keep the employees that they have but at the same time they'll still shuffle staffing problems because there's just simply not enough money or not enough hours to distribute to all these workers.

"There are situations Mr. Speaker. And it reminds me of the times that we had a hearing pertaining to the nurses where we looking at whether or not the nurses should continue to work when they are tired, etc. I don't know where the genesis of this particular legislation may have been and if there is a huge problem out there regarding employers who are not giving meal breaks or time breaks to these employees who have been working. I'm not sure if that should cut across the line for all employers.

"Small businesses, Mr. Speaker, are of a different breed. They have to adjust to what they have. They have to make do with what they got. Speaking from experience Mr. Speaker, I've also worked for small businesses. And sometimes, although it is a nice thing to have a meal break, at some point, you cannot. When a restaurant for instance is very busy, there's no way to give time off for meal breaks for that person until the rush is over, so to speak. So because it does cut across the board, I have that reservation. I think there should be some provisions. And there is, but there's just the requirement to request I believe, a waiver from the Department of Labor. But still Mr. Speaker, I do speak with some reservations."

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

"Mr. Speaker, I did want to speak with just short comments in regards to 151. I will be voting in opposition. But I just wanted to echo some of the comments from the Representative from Waikale that employer/employee relationship is very interdependent. A lot of the times being, my husband is a small business, he worries more about his employees than he does himself. Making sure that they're taken care of before he thinks of himself. And there are a lot of small businesses that feel that same way. And to not have the management or flexibility to be able to staff with flexibilities, I think will be taxing on the businesses. Thank you."

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

"Mr. Speaker, just brief comments in support. I just wanted to clarify one thing for those who may be concerned hearing the comments stated today. This bill has numerous amendments to try to address the issues of business and I did want to point that out. First of all, the employee can waive the meal break if they want to. They're not force to take it and they can work. Also if you are a continuously operating facility like Covanta HPOWER, it doesn't apply to you. Or you can apply for an exemption. You can ask your company and have your workers exempted by the Director of Labor."

"In addition, in Conference, we also included amendments now where the employer gets to select the time of the rest or meal break during the work day so that you don't have everyone taking their break at the same time. And also, we're giving the employer the right to not shorten the workday where people may waive the meal break and try to leave early."

"So we've tried to balance the two concerns. Mr. Speaker, right now, today, there is a mandatory meal break for minors to work in our workforce. It's not wreaking huge havoc on our industries. And there's an exemption for collective bargaining agreements. So we are not plowing new ground. There are 19 states with meal breaks. We do I think understand the issues that business has and we've tried to address them in a bill that I think is pretty balanced in terms of trying to address them in terms of business. Thank you very much, Mr. Speaker."

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 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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Evans, Finnegan, Meyer, Moses, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 152 and S.B. No. 294, SD 3, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 294, SD 3, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

The Chair then stated:

"Members, we already had Floor Amendment No. 5 where we had the discussion on minimum wage. If any of you would like to submit your written comments at this time, for or against the Conference Draft, the Chair will allow you. But we had debate on the proposed Floor Amendment 5 dealing with the tip credit, tied to minimum wage."

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

"Thank you, Mr. Speaker. I will submit my comments into the record but not so much on the minimum wage law. I am in favor, but with reservations. And my reservations have to do with the unemployment law which that particular provision fell out of the bill during Conference Committee and that was really a shame. That would have lowered our unemployment insurance tax. The Labor Chairman said that this is a misguided bill. It was very disappointing to hear that from him."

"Also I was real disappointed in that the tip credit fell out of this particular measure. As a whole, I feel that this Session has been balanced all for the worker, and nothing for the employer. So I think for labor to do well, for workers to prosper, they need the businesses to do well and prosper. And then you have a balance. This Session has been very unbalanced. So thank you, Mr. Speaker."

Representative Marumoto's written remarks are as follows:

"I am voting in favor on the minimum wage bill, but I do have reservations - not so much because of its contents, but because of what it does not contain. Like much of the legislation this year, it is tilted to help the employee, but there is no help for the employer. This bill could have struck a balance - giving something to workers and something to management. But, as it stands, it is lopsided."

"This Session, the Legislature instituted many new mandated requirements that are adverse to business. Though many helpful bills were introduced, they all met a stonewall."

"Some of the anti-business measures that passed included the following. The counties received authorization to increase the general excise tax of up to 4½%. This is a punitive tax - especially to small business."

"Likewise, the increase in the conveyance tax will be felt when farms, hotels, retail establishments, and gas stations are sold. We will now require Medicaid applicants to report their place of employment to determine whether employers are hiring these clients in order to avoid paying health benefits. This will require great time and effort on the part of the government agencies that must compile reports on this information."

"We are now allowing workers to use temporary disability insurance, not for their own illnesses for which it was designed, but for family leave instead. Fortunately, another measure to prohibit employers from enforcing discipline for abuse of sick leave died at the 11th hour."

"Another bill that died at the last minute would have required private projects funded by special purpose revenue bonds to use the prevailing wage law. The requirement would have increased time and costs of construction. The Davis-Bacon law is used only on federal and State government projects. Use of this law in the private sector would have been a radical departure from other states. These failed bills could return in future Sessions.

"Another measure requires a paid meal break when working five hours.

"Another bill that passed covered only public employers. It prevents management from reassigning, and transferring personnel without negotiating every personnel change. The Honolulu Police Department, the University of Hawaii and the Hawaii Health Systems Corporation were strongly opposed to this change. Although the bill does not affect business, it is indicative of the bias against management on the part of the majority in the Legislature.

"Tax credits to spur business did not make it through this year. The hotel, high tech, and film industries emerged empty handed. Tax incentives enacted in the housing bill may be too insignificant to be of use.

"Tax relief for families and businesses evaporated before our eyes. We did not raise the standard income tax deduction, nor the earned income tax credit for low-income single parent families.

"The bill to raise the minimum wage could have been a balanced bill. Many employers were very disappointed with the final product. While it raises the cost of doing business for restaurants and other tipped establishments, it no longer contains two attractive features that would have mitigated the cost increase.

"The first is an increase in the tip credit. The tipped employee receives a little less money, but makes up for it in tips. The theory is that the owner could then pay the dishwasher and other non-tipped employees more. Hawaii's tip credit has been 25 cents/hour for years whereas other states allow a more realistic \$1 or \$2.

"The Senate added a feature to the minimum wage bill that would have lowered the unemployment insurance tax that employers pay as a percentage of pay roll. Instead of paying on the first \$32,300 of wages, the employer would only pay on the first \$7,000, the minimum required by the federal government. Since the Unemployment Insurance Fund tops \$400 million and the only way to draw down that amount is to collect unemployment compensation, it would take forever to make a dent in it. The money is absorbed from local businesses only to sit idle in the UI Fund. With the unemployment rate below 3%, and construction jobs paying top dollar, the fund balance will continue to rise. We have lowered payments twice before in the past 15 years. Why not now to balance the minimum wage increase?

"Better that the UI money be retained in the local economy – as profits, savings, business expansion, investment, job creation, raises and bonuses. It would have benefited labor and management alike.

"The chance to lower the UI tax, as well as raising a bigger tip credit, were stripped from the minimum wage bill in Conference Committee. Inexcusable!

"The Governor has an opportunity to veto these measures to express her displeasure. A veto may be symbolic, or it may be upheld.

"We can correct this years imbalance in 2006. Business should come in playing offense next season – not defense."

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

"Mr. Speaker, I apologize. Just brief comments in support. I'm doing this Mr. Speaker, because around 10 o'clock this morning, Mr. Speaker, Sandy Chong, who's sitting up there, came with a few other people who do in fact until very recently, made minimum wage for many, many years working for Consolidated Amusement. Ms. Chong has sat there from 10:00 this morning until now, 8:15. I would like Ms. Chong to please stand up so that we can recognize her.

"And I would like to just explain why Ms. Chong is here. She worked for 21 years Mr. Speaker, for Consolidated Amusement. And almost every single day she was making the minimum wage until about six months ago when they increased to \$6.60. If they increase the minimum wage, she'll actually make more if she was still working there. She's fifty years old and after deductions, she's taking home about \$100 a week. She had to walk over a mile every day, she lives out in Ewa, to get the bus to come into town. Her case is just one of many. And there were four others up there I would have introduced, but they had to go back to work to make ends meet on their minimum wage salaries.

"So we're not talking about entry-level people or young kids. We're talking about people who have to support members of their family, who are middle aged and working very hard. And I just want to thank Ms. Chong for being here, for her patience, and just to represent those out there that we're talking about. They are real people, real names, real faces. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support with deep reservations. I am really disappointed that people who totally understand the need for a tip credit will not support it. Thank you."

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

"Similarly, Mr. Speaker, I rise in support but with deep reservations. I'm very disappointed that the tip credit was not included. I think our restaurants deserve more help. Thank you."

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

"Mr. Speaker, in strong support. I will be asking to insert some written comments into the Journal. And I highly recommend again the book, as the Representative from Millilani did, *Nickel and Dime: On (Not) Getting by in America* by Barbara Ehrenreich. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of raising the State of Hawaii Minimum Wage from \$6.25 to \$6.75 in January 2006, and up to \$7.25 In January of 2007. I rise also in support of those who are not here, but would benefit from raising the minimum

wage. For me it is very simple: how do we help those neighbors who are working to earn a living and do right by their families and children? Raising the minimum wage is one way.

"Mr. Speaker, when I consider how our own neighbors earn a living and work for such small wages day-in and day-out, I am amazed and a little embarrassed. I am also in awe by how much they do with so little, and humbled by their own personal pursuit of the American Dream. My father always told me to respect everyone and never mistake material wealth for success or greatness. Even the 'ditch-digger' is important in our society, as much as the doctor, businessman, or lawyer. It is for those people who take those jobs that pay a minimum wage that I cast this vote.

"Mr. Speaker, during earlier debates, several of our colleagues have mentioned a book written by Barbara Ehrenreich, entitled, *Nickel and Dimed: On (Not) Getting By in America*. I recently finished reading the book and it left me empowered, provoked, and even a little disturbed by our society and how we view and treat those who live among us, but at a lower social-economic and educational status. But, like Ms. Ehrenreich points out repeatedly, these people work low-paying jobs so that we might have a more convenience, more time for ourselves, better health care, and a higher quality of life. And I agree, Mr. Speaker with Ms. Ehrenreich that we, as Americans, should all feel ashamed for our dependency upon neighbors and fellow citizens, who provide so much, yet receive so little, to enhance our quality of life.

"I hope this bill becomes law. I hope the Governor signs it with much fanfare and publicity. I hope she lets the least among us know that we are an appreciative society and all work is dignified and worthy of our collective esteem. I close my remarks with an excerpt from *Nickel and Dimed*.

According to a recent poll conducted by Jobs for the Future, a Boston-based employment research firm, 94 percent of Americans agree that "people who work full-time should be able to earn enough to keep their families out of poverty." I grew up hearing over and over, to the point of tedium, that "hard work" was the secret of success: "Work hard and you'll get ahead" or "It's hard work that got us where we are." No one ever said that you could work hard – harder even than you ever thought possible – and still find yourself sinking ever deeper into poverty and debt.

When poor single mothers had the option of remaining out of the labor force on welfare, the middle and upper middle class tended to view them with a certain impatience, if not disgust. The welfare poor were excoriated for their laziness, their persistence in reproducing in unfavorable circumstances, their presumed additions, and above all for their "dependency". Here they were, content to live off "government handouts" instead of seeking "self-sufficiency," like everyone else, through a job. They needed to get their act together, learn how to wind an alarm clock, get out there and get to work. But now that government has largely withdrawn its "handouts", now that the overwhelming majority of the poor are out there toiling in Wal-Mart or Wendy's – well, what are we to think of them? Disapproval and condescension no longer apply, so what outlook makes sense?

Guilt, you may be thinking warily. Isn't that what we're supposed to feel? But guilt doesn't go anywhere near far enough; the appropriate emotion is shame – shame at our own dependency, in this case, on the underpaid labor of others. When someone works for less pay than she can live on – when, for example, she goes hungry so that you can eat more cheaply and conveniently – then she has made a great

sacrifice for you, she has made you a gift of some part of her abilities, her health, and her life. The "working poor," as they are approvingly termed, are in fact the major philanthropists of our society. They neglect their own children so that the children of others will be cared for; they live in substandard housing so that other homes will be shiny and perfect; they endure privation so that inflation will be low and stock prices high. To be a member of the working poor is to be an anonymous donor, a nameless benefactor, to everyone else.

"For the aforementioned reasons and as a Democrat, I stand in strong support of this bill."

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

"Mr. Speaker, I rise in support with reservations on this matter about increasing the minimum wage. I know on previous discussions I have voted no on this measure, but it's beginning to be clear now why we are increasing the minimum wage. And I kind of feel that we're doing it so we can feel good about ourselves. We do want to increase the minimum wage because we have increased the wages of everybody else. But I do understand that this measure is not to decrease the gap between the highly paid and the lower paid. But it's just to bring them up to the level that we have brought ourselves to.

"But I still have my reservation because we are carving out the entry-level people, the young people that need the employment and those employers that want to take a risk on them. Also Mr. Speaker, about the 'mom and pop' stores that would make a difference with the 50 cents increase. I realize it's not a win-win situation. There should be another way to address this. Thank you."

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

"Thank you, Mr. Speaker. I'll support this with reservations. I'm just wondering now though, with the minimum wage going up, if the DOE will still have the money to pay my son for his part time job. Thank you."

The Chair then stated:

"Yes, they will."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Finnegan, Meyer, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 153 and S.B. No. 738, SD 1, HD 1, CD 1:

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, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 154 and S.B. No. 817, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 155 and S.B. No. 944, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 944, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 156 and S.B. No. 945, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 945, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 157 and S.B. No. 1194, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1194, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support with reservations. Briefly, my reservations on Conference was that it cost the employees \$130,000 for every election. It's their money. Apparently the employees are asking for this, but I don't know if they realize there's a \$130,000 out of their pockets. Thank you."

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

"Opposition. Same reason. Also that the business of doing deferred compensation is one where you want people who have real finance expertise. The way this bill works, we're only going to get that if those people happen to be elected, as opposed to the way funds are usually handled with people selected because they have the expertise in making financial investments. But it is really sad that the money is coming out of the earnings of the employees.

Representative Moses rose in opposition to the measure and asked that the remarks of Representatives Halford and Fox 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 S.B. No. 1194, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 158 and S.B. No. 1579, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1579, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

At 8:25 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1528, HD 2, SD 2, CD 1
 H.B. No. 1608, HD 1, SD 2, CD 1
 H.B. No. 260, SD 1, CD 1
 H.B. No. 263, SD 1, CD 1
 H.B. No. 1597, SD 1, CD 1
 H.B. No. 1599, SD 1, CD 1
 H.B. No. 19, HD 2, SD 2, CD 1
 H.B. No. 1308, HD 1, SD 2, CD 1
 H.B. No. 1554, HD 2, SD 2, CD 1
 H.B. No. 1462, SD 1, CD 1
 H.B. No. 1224, SD 1, CD 1
 H.B. No. 1672, SD 1, CD 1
 S.B. No. 55, SD 1, HD 2, CD 1
 S.B. No. 294, SD 3, HD 1, CD 1
 S.B. No. 738, SD 1, HD 1, CD 1
 S.B. No. 817, SD 2, HD 1, CD 1
 S.B. No. 944, SD 1, HD 1, CD 1
 S.B. No. 945, SD 1, HD 1, CD 1
 S.B. No. 1194, SD 1, HD 2, CD 1
 S.B. No. 1579, SD 1, HD 1, CD 1

At 8:26 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 8:30 o'clock p.m.

At this time, the Chair announced:

"Members of the House. At this time, I recognize that you are all tired and weary, and we have up to page 28, plus the Supplemental Calendar, and also the Yellow Action Sheets. The Chair will request that we address pages 24, 25, 26, 27 and 28 as quickly as possible, if we can. But in the mean time, we will take up to page 28."

At 8:31 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 8:31 o'clock p.m.

At this time, the Chair announced:

"The Chair apologizes at this point because we cannot go up to page 28 because it is a different motion. If you look at your Order of the Day, I thought I could try to facilitate the process.

"On page 26, the Chair did confer with the Minority Leader and Minority Floor Leader, along with the Majority Leader and Majority Floor Leader, that Conference Committee Report No. 178 will be recommitted. So the Chair recognizes Representative Marcus Oshiro to recommit Conference Committee Report No. 178."

Conf. Com. Rep. No. 178 and S.B. No. 1137, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and S.B. No. 1137, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were recommitted to the Committee on Conference, with Representatives Cabanilla, Halford, Kanoho, Magaoay, Nakasone, Saiki, Schatz, Sonson, Souki, Stonebraker and Takamine were excused.

Conf. Com. Rep. No. 159 and S.B. No. 1580, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1580, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 160 and S.B. No. 1889, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1889, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. The result of this bill which turns over the running of the apprenticeship program to a council is going to be to restrict the number of people that are eligible for apprenticeships. That's too bad because the more people who are eligible for apprenticeship programs, the more people we have trained to go into our workforce. 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. 1889, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIPS," passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Finnegan, Fox, Meyer, Moses, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 161 and H.B. No. 278, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 278, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 162 and H.B. No. 460, HD 2, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 163 and H.B. No. 1393, HD 2, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 164 and H.B. No. 1763, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1763, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in opposition to Conference Com. 164, Relating to the Penal Code. This is a tricky one to oppose. It sets up a study group. It does fund it rather substantially. The purpose of the exercise according to the testimony of some of those who looked at it rather askancly is going to be to loosen up the Penal Code and get away from a code that perhaps is too tough with too much determinant sentencing. So I find it relatively easy to oppose this. Thank you."

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

"Thank you, Mr. Speaker. Just in strong support. When the Model Penal Code was enacted, I believe about 30 years ago, the intent at that time was to have a review every 10 years, and I think the review is overdue. The reason for this review is to see if the Penal Code can be updated because over the years we have added tons of things to the Penal Code, which is kind of 'out of whack'."

"For instance, I can give you an example. Internet types of crimes had never been envisioned 30 or 40 years ago, the penalty is not in line with what the other offenses are. Things like that. There are other things dealing with new crime, white-collared crimes that are kind of different and it doesn't quite fit in. And right now those penalties and provisions are all over the place. The Penal Code is kind of complicated and we need to bring everything in light of what the needs of the community are and to make it a little bit more conformed. 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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Finnegan, Fox, Pine and Stonebraker voting no.

Conf. Com. Rep. No. 165 and H.B. No. 1745, HD 1, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPORTS TO THE LEGISLATURE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 166 and H.B. No. 844, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 844, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 167 and H.B. No. 1300, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1300, HD 2, SD 2, CD1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Just briefly in strong support of Conference Committee Report No. 167. Mr. Speaker, I've been speaking and advocating on behalf of early childhood education, I think for the past 15 years. And I know I've spoken at least once every year since then, so if you can allow me. I just want to say briefly that I'm really grateful, especially to my Majority colleagues for this issue rising to a point where it became part of the Majority Package.

"I believe that this bill will take us further than we've ever been before in pursuit of universal access to quality, affordable early childhood education. But I just want to read real briefly why should Hawaii invest in young children. Number one, 85 percent of a child's development occurs in the first five years of life. Number two, quality early education and care reduces the K to 12 academic achievement gap. And number three, quality early education and care minimizes future social costs and improves current workforce productivity.

"Mr. Speaker, we talked about leaving a legacy, and like I always do and the Chair of CPC reminded, that I haven't read my cup yet. So I'd like to read my cup into the Journal. And this is for all of us. 'A hundred years from now, it will not matter what my bank account was, what sort of house I lived in, or the kind of car I drove, but the world may be different because I was important and I made a difference in the life of a child.' And I dedicate it to all of us who are making a difference in the lives of Hawaii's children. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm also very much in favor of this early childhood education bill. And I would like to put my comments in the Journal. Thank you."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I stand in strong support for this bill.

"Mr. Speaker, I truly believe that we need to improve early childhood education in Hawaii in order to improve student achievement and our schools.

"This bill establishes and appropriates funds for a temporary Early Childhood Education Task Force that will gather information and lay the groundwork for creating more opportunities for participation in early childhood learning programs. The 20-member task force will have a broad base of expertise and representation.

"I ask for my colleagues' support on this measure and I trust that the Task Force's report be the basis for further legislation in the area of Early Childhood Education. 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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 168 and H.B. No. 1304, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1304, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I am in support. I will boil down five months of work and ten years of interest into two minutes, or one minute. Right now, an asthmatic child is having difficulty breathing somewhere in Hawaii and the parents of the child are deciding whether or not to take him or her in to the emergency room because they might not have money because they don't have insurance for that child. That's something we can't tolerate.

"So coming together to form a task force to work together to solve this problem is the best thing that we can do. Two numbers, 112,000 and 24,000 – I don't know which is more important. 112,000 of us in Hawaii don't have insurance but 24,000 children don't have insurance. And the reason that 24,000 is such an important number, if you think about it, each of us represents about 24,000 people. So imagine your entire legislative district having no insurance, unable to get healthcare. It's a problem we have to solve. I'm looking forward to doing it with my colleagues. Thank you for your support."

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

"Thank you, Mr. Speaker. I'd like to have my comments inserted into the Journal. But if I may Mr. Speaker, I'd like to dedicate this bill to our good friend, Ah Quon McElrath, to her life's achievement. She's been a social activist on behalf of the working people and their families and especially the working poor. I think this has been one of her passions, trying to find affordable quality healthcare for all of Hawaii's people. So I'd like to have this bill dedicated to her. Thank you, Mr. Speaker."

Representative Arakaki's written remarks are as follows:

"Mr. Speaker, I am in strong support of CCR 168, HB 1304. I would like to have my remarks and this bill dedicated to honor Ah Quon McElrath, or AQ as many of us know her. She is a retired social worker of ILWU Local 142, a social activist who has worked on health needs of working people and their families for 25 years and a fearless and outspoken advocate of the poor and underprivileged.

"She has been a visionary as an advocate for a universal health plan for nearly 20 years since retirement from the union in 1981.

"It is significant that were it not for the social activism of our unions on behalf of Hawaii's working people, we would not have the Prepaid Health Act that is the foundation for any discussion and plans for access to quality, affordable health care for all of Hawaii's citizens.

"In light of the numerous problems facing not only organized workers, but also many underemployed workers and Medicare and Medicaid recipients, the passage of HB 1304 gives this State a head start on finding what might be solutions to these problems.

"Problems include rising premiums, deductibles and co-payments, reduced benefits, failure of employers to provide health coverage to retired employees, Medicare and Medicaid cuts, and, in Hawaii's case, manipulation of workers' work schedules to preclude coverage under the 1974 Prepaid Health Act where coverage for dependents is at the workers' expense.

"House Bill 1304, if enacted, will give our State the opportunity to investigate and assess alternative means to provide coverage for all residents, the uninsured of which now represent about 15% of our population, despite our Prepaid Health Act.

"Mr. Speaker, I would like to thank you and our House Leadership for making HB 1304 a priority as part of our Majority Package. I look forward to Hawaii once again leading the nation as the "Health State." Mahalo!"

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

"I'm in support with reservations. I'm a little bit concerned about the make up of this task force. And I'm not in favor of this \$5 surcharge, a new fee for agents performing civil marriages. Thank you, Mr. Speaker.

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:

"I rise in opposition to this measure due to the costs this measure would incur to our taxpayers. We have studied this issue numerous times before at the taxpayers expense and now is the time to act rather than incur costs to study the issue further. Also, there are drawbacks to the proposed plan which have already been debated numerous times."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Ching, Meyer and Stonebraker voting no.

Conf. Com. Rep. No. 169 and H.B. No. 1051, HD 2, SD 2, CD 1:

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 170 and H.B. No. 115, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 115, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I will submit my written comments after I say a few words. Mr. Speaker, I support this bill. Just briefly, I just want to say that it appropriates funds for casket liners and to address the soil problems at the Hawaii State Veterans Cemetery. It also authorizes the right of returning members of the military to retain readmission to the University of Hawaii. And it allows enlisted Army and National Guard members to elect direct deposit for the uniform maintenance allowance. Mr. Speaker, this is part of the military appreciation package.

"We did pretty good with House Bill 100. We had five appropriations. On the bill side, we had ten bills passed and five resolutions passed. I just briefly wanted to thank you Mr. Speaker, for your leadership, and to our Vice Speaker, for your leadership and being the liaison to the National Guard Headquarters. And that really made a difference, Mr. Speaker. I also want to thank our Majority Leader and Vice Chairman of the Public Safety & Military Affairs Committee, Representative Chong. I also want to thank Major General Robert Lee, our State Adjutant General; and Ed Cruickshank, Director of Veteran Affairs; Charles Ota, Military Affairs from the Chamber of Commerce; Alan Hayashi, from the USO Board of Directors; and my Committee Clerk, Shannon Alivado; and Vice Speaker's Committee Clerk, Norman Kukona; all the members of the Public Safety and Finance Committee; and their staff for all their hard work for the military appreciation package supporting all of our men and women in uniform. I also Mr. Speaker, want permission to insert a summary of the military appreciation package into the Journal. Thank you."

Representative Ito's written remarks are as follows:

"2005 MILITARY APPRECIATION PACKAGE HAWAII STATE LEGISLATURE

The 2005 Military Appreciation Package was created to support the efforts of our men and women in uniform throughout Hawaii. The pieces of legislation that comprise the Military Appreciation Bill Package address some of the many challenges facing our military personnel and their families.

The following pages list the bills and resolutions that have passed the Legislature during the 2005 legislative session. (Lead introducers are in parentheses.)

HAWAII MEDAL OF HONOR

HB 8 – Relating to Military Service. Establishment of and criteria for Hawaii Medal of Honor for military personnel with Hawaii ties who are killed in action since 2003. (Takai)

EDUCATION

HB 115 – Relating to Military Affairs. Requires The University of Hawaii to establish a program to allow readmission to military members who have been deployed. (Ito)

HB 100 – Relating to the State Budget. Provides \$460,000 for each of the next two years for the Hawaii 3Rs Program. (Say)

SCR 70 – Requesting Hawaii's Congressional Delegation to Reevaluate the Department of Defense Enlistment Policy for Homeschoolers. (Sakamoto)

NATIONAL GUARD AND RESERVES

HB 100 – Relating to the State Budget. Provides \$400,000 for each of the next two years to fund the Tuition Assistance Program for eligible members of the Hawaii National Guard. Also, provides \$250,000 for an event to thank our troops for their service. (Say)

HB 115 – Relating to Military Affairs. Authorizes the State to deposit the uniform maintenance allowance into a financial institution account designated by an enlisted member of the national guard. (Ito)

HB 295 – Relating to Professional and Vocational Licensing. Relaxes license restoration requirements for DCCA licensees who are deployed during state or national crisis. (Takai)

SR 104 – 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. (Sakamoto)

HR 228 – Recognizing the Contributions of the Hawaii Chapter of the Employer Support of the Guard and Reserve. (Takai)

MEMORIALS AND VETERANS

HB 115 – Relating to Military Affairs. Appropriates \$187,450 for casket liners and to address the soil problems at the Hawaii State Veterans Cemetery. (Ito)

HB 1029 – Making an Appropriation for the Department of Defense. Appropriates \$30,000 for each of the next two years to publish a Hawaii Veterans' newsletter. (Kawakami)

SB 1378 – Relating to the Pearl Harbor Historic Trail. Designates the path from Halawa landing to Waipahu as the Pearl Harbor Historic Trail. (Espero)

HCR 246 – Encouraging the United States Postmaster General to Issue a USS Arizona Memorial Stamp. (Takai)

HCR 249 – Urging Congress to Support Legislation Conferring Veterans' Benefits on Filipino World War II Veterans. (Takai)

HB 100 – Relating to the State Budget. Provides for operating and capital improvement appropriations and authorizations for agencies in the Executive Branch for the fiscal biennium 2005-2007. (Say) Provides funding for the following items:

- Hawaii State Veterans Cemetery, Oahu. Provides \$564,000 for construction and repairs.
- Nisei Veterans Memorial Center, Maui. Provides \$1,500,000 for construction for the adult day care facility.
- Arizona Memorial Museum Association, Oahu. Provides \$500,000 for the replacement of the museum and visitor center.
- Oahu Veterans Center, Oahu. Provides \$850,000 for Phase II improvements at the Oahu Veterans Center at Foster Village.
- Keaukaha Joint Military Center, Hawaii. Provides \$4,400,000 for a specially designed complex for soldiers, airmen, veterans, and retirees, including an expanded PX, limited commissary and office for veterans affairs.

- Hilo Medical Center, Hawaii. Provides \$18,228,000 for the construction of a long-term veterans care home.

BACKGROUND

The terrorist attacks of September 11, 2001 continue to have repercussions today. Thousands of military service members and their families are grappling with the news about upcoming deployments to dangerous, volatile, and unstable areas of the world, such as Iraq and Afghanistan. In addition, many of those who have already completed one tour of duty face re-deployment in what the United States Department of Defense describes as the largest series of troop rotations since World War II. Such a massive mobilization and deployment of U.S. forces has not left Hawaii untouched.

For example, over a year ago the Army's 25th Infantry Division (Schofield Barracks) sent approximately 5,000 soldiers to Iraq and 5,500 soldiers to Afghanistan. Furthermore, 1,500 troops have subsequently been deployed from the 25th Infantry Division over the past year and a half. The good news is that approximately 10,000 soldiers have returned. The remainder of the 25th Infantry Division is expected to return by the end of June.

Likewise, last September, the Marine Corps (Kaneohe Bay) sent 1,000 Marines from the 1st Battalion, 3rd Marine Regiment to Iraq, and an additional 1,000 Marines from the 3rd Battalion, 3rd Marine Regiment were deployed to Afghanistan.

The National Guard and reserve components of our Armed Forces have deployed thousands of soldiers, Marines, Sailors, and Airmen stationed in Hawaii, to Iraq and Afghanistan.

For example, of the 2,975 soldiers in the Hawaii Army National Guard, more than 2,000 soldiers have been activated. This year 1,983 soldiers from the 29th Brigade Combat Team, 298th Engineer Detachment and the 117th Mobile Public Affairs Detachment are deployed to the Middle East.

The Army Reserves currently has deployed more than 600 soldiers from the 100th Infantry Battalion and 411th Engineering Battalion to the combat zone. The Army Reserves previously deployed 500 soldiers to the combat zone, some of which have not been deactivated yet.

As a beneficiary of their courageous and dedicated service, the State bears a special responsibility toward United States forces. The pieces of legislation that comprise the Military Appreciation Bill Package address some of the many challenges facing our military personnel and their families."

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

"Mr. Speaker, I rise in strong support. And I'd like to thank the leadership of the Chair of Public Safety & Military Affairs Committee and ask that his comments be written as my own. Thank you."

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

"Thank you, Mr. Speaker. In support with some disappointments. First, I'd like to thank the Public Safety & Military Affairs Chair. He did what he could, and did a good job at that. But I want to just read from the Committee Report, no fault of his, 'This measure is important to demonstrate our support and respect for our service members and their families. After careful consideration, your Committee on Conference has amended this bill by: one, removing the provision related to

the military dependent tax credit; two, removing the provision quantifying the amount of income tax exemption and the provision regarding tax exemption for active military members stationed out of state; and three, removing the appropriation for a temporary position to coordinate joint venture in education for activities'. I'm very disappointed those had to be removed."

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

"Thank you. I rise in support of this measure. Mr. Speaker, despite what the previous speaker just said, I'd like to focus on what our Chairman of the Public Safety & Military Affairs Committee has already mentioned about this and other measures. We should be very proud Mr. Speaker, of this year's military package. Not only is this bill part of the package but there are many other bills and resolutions along with a whole bunch appropriation items within the State Budget that will go far in advancing our support for our military friends. 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. 115, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 171 and H.B. No. 160, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 160, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Thielen's written remarks are as follows:

"What is going on with HB 160? This bill, as originally proposed by insurance companies, gives them a free ride. Unlike the other professions, vocations and 'mom and pop' licensees that are regulated by the State Department of Commerce and Consumer Affairs – they wouldn't have to pay ANY assessments or fees for services to DCCA. That's an awful big Christmas present in July for somebody's favorite special interest group, particularly when the revenue restriction is targeted to affect the very agency that's investigating those same insurers as part of a nationwide probe of the industry.

"The insurance companies have backed off of the wholly unreasonable request for a free ride, but they still want a cap on assessments. This cap would seriously cut the Division's revenue and limit its ability to protect consumers and regulate the industry. Now more than ever, we need a strong Insurance Division.

"Here is why. Recently newspapers have printed many stories about the investigations of insurance companies by New York Attorney General Eliot Spitzer and other state attorneys and commissioners. Attorney General Spitzer found that insurance companies were rigging bids and juggling their books. A number of executives pled guilty to criminal charges and top executives were removed. Our Insurance Division at DCCA is investigating Hawaii companies to make sure they are not involved in the same illegal practices.

"Maybe that's why the insurance companies want to control the government regulator's budget. The surest way for a company to control the agency that regulates it is to control its

budget. This is unacceptable. We need a strong and independent Insurance Division to do the job of protecting Hawaii's citizens.

"DCCA's Insurance Division works very hard to protect consumers, makes sure insurance companies and agents comply with the law, and provides numerous services for the insurance companies and consumers. They have a big job in a very complex field that is constantly changing. The Division regulates over 1000 companies doing over \$7 billion in business in the State and over 20,000 licensed brokers and agents. One entire volume of laws in the Hawaii Revised Statutes (out of 14 total volumes) is administered and enforced by the Division.

"The Insurance Division has been doing a good job and working hard to make things better for everyone in Hawaii. The Division has been tough, but fair, approving some insurance rate increases and denying many others. The Insurance Commissioner ordered health insurers to take the discretionary clause out of their contracts, which said that the insurers could interpret the contracts anyway they wanted to. The Commissioner issued a memo ordering insurers to treat our military fairly and recognize the practical difficulties for our service people when they get shipped overseas. The Insurance Division has been doing a good job, tough but even-handed and fair.

"And yet, today, we reward the insurance industry with a cap on assessments and undermine DCCA's ability to regulate that industry. Mr. Speaker, I vote NO."

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

"Thank you, Mr. Speaker. I'm in opposition and I have some remarks. DCCA's Insurance Division is self-sufficient, as we all know. And the insurance industry, insurance companies, and insurance producers pay for the services provided by the Insurance Division through assessments and fees.

"The Insurance Division regulates over a thousand companies doing over \$7 billion in business in Hawaii. The Division also regulates over 20,000 license producers, brokers and agents. One entire volume of the Hawaii Revised Statutes out of 14 is administered and enforced by the Division. So House Bill 160 as introduced, would it have exempted insurance companies from all assessments and fees, such as fees to cover the cost of examinations that are required by law.

"Now the insurance companies would have enjoyed a tremendous windfall while insurance producers would still have to pay their licensing fee. So the insurance companies would not be paying their fair share, unlike all of the professions and vocations that are regulated by DCCA. Well House Bill 160, CD 1, is going to have a chilling effect on our ongoing investigations because the bill was amended to mitigate its impact somewhat, but nevertheless, House Bill 160 could undermine the ability of the Insurance Division to effectively regulate the industry and protect consumers.

"The timing of House Bill 160 is very questionable, Mr. Speaker. Recent newspaper stories have highlighted the investigations of insurance companies by New York Attorney General Eliot Spitzer and other state attorney generals and insurance commissioners. Attorney General Spitzer alleged that insurance companies were rigging bids and juggling their books. A similar probe was launched here by Commissioner Schmidt last Fall. Then this bill was introduced in January apparently at the request of the industry. If the insurance companies are successful, House Bill 160 will have a chilling effect on the consumer protection. House Bill 160 is punitive

and is an attempt to intimidate the regulator. It's yet another attempt to harass the current Administration.

"Notwithstanding a reduction in assessments and the fiscally responsible manner in which the Insurance Division has been operating, the insurance companies still want to audit the division. Now audits are supposed to be conducted when irregularities are suspected. But there are no irregularities. They have not been alleged at least not under this Administration. And the audit of the Division is simply a means to harass the regulator again.

"One stated purpose of this bill is to protect insurers from unduly large assessments. However, under Governor Lingle's Administration, the Insurance Division has reduced assessments on insurance companies over the past two years. They reduced assessments 64 percent last year and is not making any assessments this year to bring revenues in line with expenditures. Despite this, the industry persists in effort to handcuff the Governor and the regulator.

"The ostensible reason to restrict the Insurance Division's assessment authority is for predictability. The insurance companies want to avoid the dramatic increases in assessment that were made under prior Administrations. However, when those increases occurred under previous Administrations, the industry did not initiate legislation to cap assessments. It is curious that under the present Administration, where assessments have been reduced, insurance companies are now pursuing legislation to limit the Insurance Division's assessment authority. If there is concern about what a future Administration might do, the Legislature can take action at that time.

"All that said Mr. Speaker, it's very funny that right now when there's an investigation ongoing, we try to, right in the middle of it, with legislation, stop the investigators. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of House Bill No. 160, HD 2, SD 1, CD 1. Mr. Speaker, the previous speaker is just dead wrong. The purpose of this measure is to increase transparency and accountability in State assessments of insurers. As a previous speaker from the Minority Party stated in reference to the budget, he said that we need to audit all State agencies because we need to illuminate what is an opaque process. And he said the State can save money if we can understand how our money is being spent. So we must empower the Executive Branch to have this info necessary to be efficient. Well here it is. This is the bill.

"This bill specifically Mr. Speaker, this measure provides for a single financial and management audit of the insurance regulation sub-account of the CRF to be submitted to the Legislature in 2008. The Insurance Regulation Fund was established in 1990 for the purpose of collecting funds from insurers to regulate them. This made the Insurance Division self-sustaining and was part of a larger plan for the fee for service for the entire Department. Because it required auditing the assessment ceiling presently at the \$5 million level Mr. Speaker, I believe this measure will also ensure sufficient resources for the Insurance Division to effectively regulate the insurance industry.

"Mr. Speaker, I believe this measure will promote transparency and fairness in the assessment process. The considerable size of cash reserves accumulated by the Insurance Commissioner over the years indicates that the present law in granting discretion to the Insurance

Commissioner to determine the amount of assessments has a legislatively unintended potential to be used as a tax, a backdoor tax, and a revenue generator. Accordingly Mr. Speaker, because this measure strikes a balance between effective regulation and accountability and fairness, I ask the Body to support House Bill No. 160. Thank you."

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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 160, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Finnegan, Fox, Green, Meyer, Moses, Pine and Thielen voting no.

Conf. Com. Rep. No. 172 and H.B. No. 393, HD 1, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 173 and H.B. No. 1017, HD 3, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1017, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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:

"Mr. Speaker, this bill is truly a result of discussion and compromise between many parties. The situation started with a conflict in our laws. Section 196-7, Hawaii Revised Statutes, allows for the installation of a solar energy device on any single-family residence dwelling or townhouse by its owner, regardless of any covenant, declaration, bylaw, restriction, deed, or other agreements to the contrary. However, when this law was enacted, a prohibition on the installation of solar energy devices under section 514A-89, HRS, was not correspondingly amended to allow for the exceptions provided for in section 196-7, HRS.

"Subsequently, a dispute over the installation of a solar energy device occurred between a homeowner and a community association. Other than rising legal costs between the parties, the remaining alternatives were to take the matter to court, uncertain of the outcomes, or to get some kind of resolution through changes in the law.

"This Body owes a deep gratitude to the interested parties who negotiated the compromise language reflected in this measure. I would like to thank Jane Sugimura of the Hawaii Council of Association of Apartment Owners, Richard Ekimoto of the Community Associations Institute, Rick Reed of the Hawaii Solar Energy Association and Ron Richmond of

Hawaiian Electric Company for the many, many hours they have volunteered and dedicated to resolve this issue."

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. 1017, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 174 and H.B. No. 1548, HD 1, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 175 and H.B. No. 1640, HD 3, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1640, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker and members, I wish to speak in strong support of this measure. After 27 years of trying since Article XI, Section 3 was adopted by the 1978 Constitutional Convention, it is almost too good to believe that this Legislature has come to the point today of enacting legislation which will lead to the designation of important agricultural land.

"We would not be voting on this bill in Final Reading today if not for the efforts, the persistent efforts, of the Land Use Research Foundation and the Farm Bureau of Hawaii. Our deep appreciation as well as our congratulations to Mr. Dean Uchida, Executive Director of the Land Use Research Foundation; all of its member organizations, especially the landowner companies for their support of this bill. Our deep thanks equally to Dean Okimoto, Farm Bureau President, and Alan Takemoto, Farm Bureau Executive Director, for spending so much time lobbying for the passage of this measure. Thanks too to the Co-Chairs on the Conference Committee, Chair Abinsay, Chair Herkes, and Co-Chair Takamine for their support and especially for the funding that will enable things to happen.

"This product, House Bill 1640, HD 3, SD 2, CD 1, also reflects the enormous effort of the agricultural working group and its members that literally expended thousands of hours throughout 2003. Dozens of organizations were involved – too many to mention here by name.

"But there are few individuals who made personal sacrifices and are truly deserving of recognition. Dr. Andrew Hashimoto of the UH CTAHR, College of Tropical Agriculture and Human Resources; Sandy Kunimoto, Chairperson of the Board of Agriculture; Dan Davidson, who was DLNR Deputy Director at the time; Anthony Ching, Executive Officer of the Land Use Commission; and Ruby Edwards of the Office of Planning.

"The benefits and significance of this bill will not be fully realized nor appreciated perhaps for another 27 or maybe 50 years, but it could be a lot sooner. With the demise of sugar, there are more than adequate amounts of good ag lands available today. But as Hawaii's population continues to increase and more and more of our lands purchased and developed, we could encounter serious problems later. For this reason, sound and reasonable land and IAL policies ..."

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

Representative Kanoho continued, stating:

"Thank you. For this reason, sound and reasonable land and IAL policies as contained in this bill must be implemented now. This includes IAL criteria; the process, both landowner and county to identify important agricultural lands; the criteria to reclassify these lands; and the incentives which will make agricultural endeavors more viable and profitable. These are all generic elements, which were developed by the 2003 ag working group and were part of last year's bill.

"The bill before us is far from perfect. Points of concerns are the fifty percent provision which means that no more than fifty percent of a landowner's agriculture lands can be so designated. The four to five year period before IAL officially becomes effective because incentive legislation must first be enacted. Followed by a three-year waiting period because incentive benefits may take that long for the benefits to be realized. But if we tried to address these issues in Conference or before that, there would definitely not be a bill before us today. Far better to have all the good IAL provisions in statute and to make amendments throughout the following Sessions and problem areas. And that's what we're doing.

"This bill almost died. In fact it expired on several occasions and was saved by some emergency resuscitation. Had this bill died, all of us who put forth so much time and effort throughout the past five years would have definitely given up rather than continuing to bang our heads against the stonewall and to subject our supporters to continuing disappointment. I wish to assure all who had problems with this bill that your concerns will be appropriately addressed next Session and the new IAL statute, the amendments, as may be determined through Committee action.

"Needless to say, all of us who have worked on this issue are very pleased that House Bill 1640, HD 3, SD 2, CD 1, is finally before us for Final Reading. I ask and urge your full support of this landmark legislation. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in support but I do have some reservations. Mr. Speaker, a great deal of credit is due to the Chair of the Water, Land Committee. He has worked for I would say six years, seven years, and probably more that I wasn't even aware of, and a great deal of credit is due to him. We do have a bill though that has some serious problems with it.

"One of the problems is found on page 20 of the bill where it says for example, if a landowner has 50.1 percent of her or his property designated as important agricultural lands, then the Commission shall not designate any additional lands of that landowner as important agricultural lands unless the landowner goes in with a petition. So there could be some unfortunately creative designations by the landowner of marginal agricultural lands and therefore the other areas would not be subject to this bill unless the landowner so chose.

"Another thing that concerns me is that the standards and criteria for the reclassification or rezoning of important agricultural lands and that's on pages 21 through 23. They have a sort of H-3 type exemption. H-3 was granted its conservation district use permit because there was an exemption that really picked up everything. In this case, the standards and criteria for the reclassification or rezoning of important agricultural lands includes the public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes.

"In other words, the exemption really picks up everything. All you need to show is there's a need for additional lands for nonagricultural purposes. And under this subsection 4, you 'pass go'. Then it will be any decision pursuant to this section shall be based upon a determination that on balance, the public benefits from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes. Those exemptions pretty much incorporate everything. I call it the H-3 exemption because that's how the freeway went through the conservation district.

"Then one other thing, and maybe I'm being overly suspicious, on page 25, it appears that there could, if certain things happen, there could be a section that Hokulia could use. It's the requirement that none of the ... well for counties that won't have the ordinances ready at this point, that it says that important agricultural lands designated pursuant to this part may be subdivided without county processing or standards provided that none of the resulting lots shall be used solely for residential occupancy. That 'not used solely for residential occupancy' shrieks to me of gentleman farm estates. So I do believe there are some concerns that we should address next year. I don't think that Hokulia could use this immediately, but I don't know. They have some pretty creative people."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, point of order. I've never seen such paranoia in my life with Hokulia. I wish they would just stay on this bill. Thank you very much."

Representative Thielen continued, stating:

"Thank you. His humor is appreciated at this late hour. He does have a good spirit, but I think he knows that suspicion on this Floor can be very well justified at times. The section I'm concerned about for those that share my concern is on page 25. That when you use language like 'none of the resulting lots shall be used solely for residential occupancy', what that implies is they can certainly be used for residential occupancy in the agricultural district as long as you plant an orange tree or something else nearby. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in support of this measure. I have some written comments that I would like to insert, but if I may be allowed to give some short comments, Mr. Speaker. I would just like to also acknowledge the support and participation of the people mentioned by our Chair of WLO, when it comes to other participation in this measure. Indeed because of their expertise and commitment to make sure that we are going to implement Article XI, Section 3, we are now where there is a bill now that we have this evening.

"Most especially Mr. Speaker, I think you agree with me and so our colleagues that because of the effort of our Chairman, Chairman from Kauai, he has been in the frontline when it comes to addressing IAL issues through the years. His hard

work must never go unnoticed and certainly not by me, Mr. Speaker. Again, to the WLO Chairman, thank you for your hard work.

"I also thank you, Mr. Speaker, for your leadership and also the Chair of the Finance Committee for his support in providing the funding that is necessary to develop proposals and programs for incentives.

"This appropriation is very critical as the designation process cannot begin until the incentives have been developed and implemented. So the Finance Committee also appropriated funds for the counties for the mapping process.

"So if I may also add Mr. Speaker, I personally thank the Chairman of EDB for keeping this measure alive in his Committee. And indeed as the Chairman of the WLO said, it almost died. Likewise, the members of the Agriculture Committee, Mr. Chairman. I appreciated their input. And I appreciated very much their input and comments as deliberated the merit of this measure.

"Lastly Mr. Speaker and colleagues, again I would like to reiterate also and just reinforce with what the Chairman of WLO said, that this is not a perfect bill, however, it provides the foundation to build upon a real solution. This is about the future Mr. Speaker. The future of our State. The future generation and for all of us. Thank you."

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of Conference Committee Report No. 175, House Bill No. 1640 HD3 SD2 CD1 – Relating To Important Agricultural Lands.

"Mr. Speaker and colleague, the mandate of Article XI, Section 3 of the State Constitution is very clear – that the Legislature must enact laws to protect and conserve agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands for future generations.

"For over two decades, however, that mandate has not been met. And it was never for lack of effort because, as we all know, the Legislature has tried again and again, and has done so aggressively in the past few years. Well, we came very close to succeeding last year. But, the Session ended and again no bill was enacted. This year is different – we have.

"Mr. Speaker and colleagues, before us on the Floor this afternoon is House Bill 1640 Conference Draft 1. Many would call it an historic and landmark legislation, and I agree – it is. Although this is not a perfect bill, but to have come to this point is by far a tremendous endeavor. This is a very important big step towards fulfilling, what I believe, is our call of duty to the people of this great State – to ensure that the future generation of Hawaii will have agricultural lands left for them to farm, that future ranchers will have lands to graze their cattle.

"House Bill 1640 supports and encourages agricultural use of lands rather than just merely setting aside lands for agriculture. This bill focuses on growing and nurturing existing farm operations through the use of incentives – both financial and regulatory. This process offers incentive to all: landowners, farmers, as well as the State.

"I want to thank the Chair of the committee on Water, Land and Ocean Resources for his support of this issue. He has been for many years in the forefront of all IAL legislation efforts. His hard work must never go unnoticed, certainly not by me. Thank you again, Chairman Kanoho. I also would like to thank the Chair of the Finance Committee for his support in providing

the funding that is necessary to develop proposals and programs for incentives. This appropriation is very critical as the designation process cannot even begin until the incentives have been developed and implemented. The Finance Committee also appropriated funds to the counties for the mapping process.

"I also would like to thank the support of the members of the Agriculture Committee. I appreciated their input and comments as we deliberated the merit of this measure throughout the legislative Session.

"As I mentioned, this is not a perfect bill, however, it provides the foundation to build upon a real solution. I urge your support for its passage on Final Reading. Thank you!"

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

"Thank you, Mr. Speaker. I rise in support also with reservations. I wish to thank and commend all those who have participated in creating this bill. Out of respect for the President of the Farm Bureau, I am voting in favor of this even with reservations.

"I would hope that we begin to evolve our thinking away from agricultural self-sufficiency and more toward the total self-sufficiency and sustainability of our island in which agriculture is a viable part of our economy, as well our environment. In the future, I would like to request serious consideration that the Committee Referral for this particular bill and subsequent ones, recognizes the leadership and the expertise of our Chair of the Agriculture Committee. Thank you."

Representative Chong 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 Chong's written remarks are as follows:

"Mr. Speaker, I am in support with reservations. This is a monumental piece of legislation. As a constitutional requirement, we are bound to protect and preserve agricultural lands, and it is in the best interest of our State that we do so to ensure the sustainability of Hawaii. This bill begins that process in protecting these lands. My reservation lies in the fact that we must remember there is much to be done. We must address the issues of incentives, water and the support for the agricultural industry. I commend the Chair of the Water, Land and Ocean Resources Committee for his dedication and hard work. I look forward to the continued work on this issue."

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

"Thank you, Mr. Speaker. In support. Permission to submit into the Journal, an article written by a section of the Hawaii State Bar concerning this issue."

Representative Herkes's submitted the following:

"Avoiding the Next Hokulia: The Debate over Hawai'i's Agricultural Subdivisions
By Adrienne Iwamoto Suarez

I. INTRODUCTION

As an island state with finite land resources, Hawai'i struggles with balancing two competing and equally important interests: housing for Hawai'i's people and preservation of agricultural lands. Enshrined in Hawai'i's Constitution is a mandate to conserve and protect important agricultural lands.¹

Hawai'i's State Land Use Law² and county codes share power over agricultural lands. Under this regime, county practices reveal the blending of preservation and urbanization needs in the form of agricultural subdivisions.

Recently, controversy intensified over the legality of one agricultural subdivision, Hokuli'a. The proposed project, a luxury residential subdivision centered around a golf course, to be built on 1,550 acres of state-zoned agricultural land, prompted renewed concerns over appropriate development within the agricultural district. In the debate over Hokuli'a, two key problems with Hawai'i land use rose to prominence. The first problem is that not all agricultural lands are created equal; the agricultural district has long been a holding zone for half the land in the state,³ the majority of which is not suitable for agriculture. Marginal agricultural lands should be put to better use: in this case, housing.

The second problem is that the State Land Use Law⁴ governing the agricultural district contains a loophole so large that entire subdivisions have been squeezing through it for decades. The requirement that residences in the agricultural district be "farm dwellings"⁵ is not specific enough to preclude agricultural subdivisions. If subdivisions are truly inappropriate uses of agricultural district lands, then the Hawai'i State Legislature must amend the State Land Use Law.⁶

This paper will attempt to reconcile the competing needs of agricultural preservation and necessary development. Part II explores the state of agricultural land in Hawai'i today and the current controversy surrounding Hokuli'a. Part III examines legislative and judicial attempts to solve the two problems surrounding land use in the agricultural district: first, the identification of important agricultural lands; and, second, the lack of clarity in the State Land Use Law governing development on agricultural land. Part IV recommends a course of action for balancing the competing needs of preservation and urbanization in Hawai'i. Part V concludes with a request that the Hawai'i State Legislature clarify the policies behind its land use designations.

II. BACKGROUND

A. The State of Agricultural Land in Hawai'i

Agricultural land is the most amenable to housing development. Much of this land is level and already serviced by water, electricity, and roads. Some of the land is also not suited for farming⁷ and might not belong in the district to begin with. Of the 1.9 million acres in the district, only one-quarter are classified as A or B (prime) lands.⁸ In fact, the agricultural district is regarded as a "catch-all" district; lands not easily classified as urban, conservation, or agriculture are "put into [the] agricultur[al] district] by default."⁹ The agricultural district thus "contains far more acreage than will ever be actively cultivated and thousands of acres that are poorly suited to any kind of farming."¹⁰

Development in the agricultural district is nothing new.¹¹ Even those most opposed to the practice recognize that the counties "have allowed numerous agricultural subdivisions to be built [even] without any apparent agricultural connection."¹² Big Island Mayor Harry Kim explained, "Everybody knows that [agricultural subdivisions are] an abuse of the 'word' ag, but it is not an abuse of the zoning. It is legal."¹³ Indeed, the agricultural-less agricultural subdivision "has been a standard"¹⁴ throughout the counties. This standard practice went unchallenged in the courts until Lyle Anderson's Hokuli'a Project.¹⁵

B. Hokuli'a

Perched 1,250 feet above Kealakekua Bay on the Island of Hawai'i sits the now idle Hokuli'a development.¹⁶ The development spans 1,550 acres of predominantly agricultural district land classified by the state as C, D, and E (marginal) land.¹⁷ Those who have seen the land characterize it as unsuitable for agriculture. Craig Watase, president of Mark Development and past president of the Building Industry Association asserted, "[N]othing was growing out there, not even weeds."¹⁸ Others note the following:

The Hokuli'a project land is "agricultural" only in the most liberal sense of the word. It is mostly scrub kiawe on the thinnest layers of "soil" over lava. That soil . . . cannot sustain virtually any meaningful agricultural use except for grazing a few head of cattle, and then only during Kona's wet season. The previous owners abandoned even this limited use as impractical.¹⁹

Despite starting off with land of such limited agricultural capacity, the developers offered prospective homebuyers a range of agricultural activities to engage in, including choosing "from a list of crops approved by the developer . . . [and farming] their own land . . . or allow[ing] the homeowners' association to take care of their crops."²⁰

The Lyle Anderson Company's plans included a 730-lot development, golf course, guest lodge, and shoreline park.²¹ Between 1993 and 1997, developer The Lyle Anderson Company, Inc. received "Hawai'i County official assurances . . . after . . . 30 public hearings and county planning, zoning, permitting and subdivision approvals."²² The developer entered into a development agreement²³ with Hawai'i County²⁴ and subsequently spent hundreds of millions of dollars on the Hokuli'a project.²⁵ Lyle Anderson thought he had done everything necessary to ensure his right to proceed with his development.²⁶

Two groups (Protect Keopuka Ohana and a group of Kona residents led by Jack Kelly) sued to enjoin the development as, inter alia, an illegal use of agricultural district land.²⁷ After a bench trial in July, 2003, a Third Circuit Court judge declared that the development violated Hawai'i Revised Statutes ("HRS") section 205²⁸ and enjoined "any further construction activities or development" on the project site until 1250 Oceanside Partners obtains from the state Land Use Commission (LUC) a reclassification of the project land from agricultural to urban.²⁹ The order was unexpected and shocking to both sides.³⁰

Reaction to the decision and order was immediate. A steady stream of letters to the editor praised the decision and chastised 1250 Oceanside Partners' "flouting," "skirting around," "violating", or "ignoring" state law.³¹ Other reactions were just as passionate in criticizing the unfairness of the decision and order.³² Lawyers, real estate agents, developers, and landowners voiced concern that the decision would create uncertainty in Hawai'i's land use system.³³ To them, the decision reinforced Hawai'i's reputation as "anti-business and antidevelopment,"³⁴ creating a "chilling effect on anyone considering investing in Hawaii."³⁵ Even Governor Linda Lingle chose sides, stating, "Which side is going to win out in this judicial proceeding [the appeal of the Hokuli'a decision and order] remains to be seen, but the fact is the classification system that we have not only allowed this to happen, it encouraged it to happen."³⁶

As Lingle suggests, the root of the problem is the law governing land in the agricultural district. In order to prevent another Hokuli'a, whether one views the situation as a miscarriage of justice or as a misuse of agricultural land, two solutions are needed. The first is to identify the most important agricultural lands, provide incentives for agricultural preservation, and reclassify some of the remaining non-

important agricultural lands to the rural district to facilitate development.³⁷ The second is to strengthen the existing definitions regarding uses in the agricultural district.³⁸ Without this multi-faceted approach, reconciliation of preservation and housing needs will remain elusive.

IV. ANALYSIS

A. Responses to the First Problem: The Legislative Attempt to Identify Important Agricultural Lands

Hawai'i's Constitution expresses the following commitment to agricultural lands and agriculture in general:

The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing.

Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action.³⁹

Despite such a clear mandate, the Hawai'i State Legislature has not yet taken the first step to conserving and protecting agricultural lands: it has not yet created "standards and criteria" to identify important agricultural lands ("IALs").⁴⁰ In Summer 2001, in an effort to remedy this shortcoming, the State House Committees on Agriculture and Water, Land Use, and Hawaiian Affairs convened the Agricultural Working Group ("AWG") to address the long-standing mandate and to draft legislation for consideration by the 2004 Legislature.⁴¹ During the 2004 legislative session, the AWG presented its package, House Bill 2800 and Senate Bill 3052 ("HB 2800/SB 3052").⁴²

HB 2800/SB 3052 finally identifies as IALs the following:

- (1) [Lands that a]re capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology;
- (2) [Lands that c]ontribute to the economic base of the State and produce agricultural commodities for export or local consumption; or
- (3) [Lands that a]re needed to promote the expansion of agricultural activities and income for the future, even if not currently in production.⁴³

The Bill also sets forth standards and criteria for identifying IALs.⁴⁴ The counties are in charge of designating IALs, supervised by the LUC.⁴⁵ The LUC may also independently identify IALs in each county.⁴⁶ The Bill also contains a crucial express declaration that its intent is to ensure "[t]hat agricultural incentive programs to promote agricultural viability . . . and the long-term use and protection of important agricultural lands for agricultural use shall be developed concurrently with the process of identifying important agricultural lands."⁴⁷ One important question did remain, however. After incentives are created and important and non-important agricultural lands are identified through AWG's new process, the non-important agricultural lands will remain in the agricultural district.⁴⁸ The AWG's legislative package was a momentous achievement; were it not trapped in committee and deferred,⁴⁹ it would have ended a twenty-six year old struggle.⁵⁰

B. Responses to the Second Problem: The Judicial Attempt to Clarify HRS § 205

Building in the agricultural district will most likely continue, because HRS section 205 does not expressly forbid it⁵¹ but conflicts over development in the agricultural district will increase. These conflicts will inevitably center around a loophole in the State Land Use Law. Specifically, HRS section 205-4.5 permits residences, referred to simply as “farm dwellings,”⁵² in the agricultural district, if they are accessory to the other uses enumerated in HRS section 205-2(d)⁵³ though not necessarily “on the same premises as the agricultural activities to which they are accessory.”⁵⁴ HRS section 205-4.5 further defines “farm dwelling” as a “single-family dwelling located on and used in connection with a farm . . . where agricultural activity provides income to the family occupying the dwelling.”⁵⁵ The HRS does not specify how much income a family must derive from agricultural activity.⁵⁶ Likewise, the Hawaii Administrative Rules (“HAR”) are silent on the matter.⁵⁷

The counties are charged under HRS section 205-12 with the ultimate enforcement of HRS section 205-4.5.⁵⁸ The counties wield tremendous power in deciding which farm dwellings or larger agricultural subdivisions comply with the state land use law.⁵⁹ Of the four counties, all but Maui County allow farm dwellings and even agricultural subdivisions in the state Agricultural District in their county codes.⁶⁰ Hawai‘i County, Kaua‘i County, and the City and County of Honolulu, all define “farm dwelling”⁶¹ similarly to HRS section 205-4.5. These codes have not attempted to close the HRS section 205-4.5 loophole at the county level. As HRS section 205 stands now, it is not illegal to build houses or even entire subdivisions in the agricultural district in three counties, especially with county approval.⁶²

Nevertheless, a well respected Third Circuit Judge halted the Hokuli‘a project, declaring it an illegal use of agricultural land.⁶³ The judge found as fact the following:

22. Oceanside’s legal disclosure of the land use for which property is being offered for sale is a “highquality community to be enhanced with agriculture.” The agricultural component of the project will be located in common areas and roadways. Some agriculture may occur on easements on lots if deemed necessary and appropriate by the homeowners’ association. The intended agricultural use is to enhance the beauty of Hokuli‘a. “Buyers should not expect material financial benefits from agricultural activities.”⁶⁴

29. [A] lot owner need only place 20% of his/her one-acre lot in active agriculture . . .⁶⁵

Based on these facts, the judge concluded that “Hokuli‘a residences are not farm dwellings,”⁶⁶ that “[t]he primary use and activities within the agricultural lots are not agriculture; and, [f]urthermore, the agricultural use and activities are insubstantial.”⁶⁷ The judge concluded that de minimus agriculture would not satisfy HRS section 205’s requirements and that it would be an “absurd result that the Legislature could not have intended.”⁶⁸ This conclusion in the Decision and Order invites the question, what did the legislature intend?

HRS section 205’s legislative history⁶⁹ and State Attorney General’s opinions are helpful extrinsic aids to its interpretation. There is no legislative history on HRS section 205-4.5’s farm dwelling requirement that defines how much land must be put into, or how much income must be derived from, agricultural production.⁷⁰ Moreover, legislative history surrounding the creation of and amendments to HRS section 205 reveal that prime and marginal agricultural lands did not receive the same amount of concern.⁷¹

In 1961, the Committee on Lands and Natural Resources remarked that its goal in creating the State LUC was primarily to “protect productive agricultural lands . . . through state zoning.”⁷² In 1976, the legislature amended HRS section 205 to give only fertile Class A and B agricultural lands “additional protection . . . [against county approval of] agricultural subdivisions.”⁷³ House Representative Kawakami dismissed concern over the development of agricultural subdivisions throughout Hawai‘i, stating that they were “not anything new[; i]t has been going on for years.”⁷⁴ His main concern was that agricultural subdivisions were “getting to a point where [they were] occurring on . . . prime lands.”⁷⁵

Lastly, in 1980, the legislature emphasized the distinction between prime and marginal lands and vigorously debated the uses appropriate within marginal lands. During floor debate over allowing golf courses as permitted uses in marginal agricultural lands, Senator Young opposed the bill by saying, “I would rather see a proposal utilizing marginal agricultural lands for . . . housing . . . [T]here is a lot of frustration and anger out there. Hawai‘i’s families want, more than anything else, to be able to own a home.”⁷⁶ Senator Kawasaki, who supported the bill, nevertheless bemoaned the following state of affairs: “It seems to me, using land, even marginal land, as agricultural subdivision [sic] is one that is more profitable [than golf courses] What worries me is that there’s not much effort around here . . . to make the creation of [agricultural] subdivisions easier”⁷⁷ It’s clear that the Legislature might not see a problem with allowing subdivisions on marginal agricultural land.

The State Attorney General’s Office also views prime and marginal agricultural land uses differently. The Attorney General’s oft-quoted 1975 opinion about agricultural subdivisions’ being an abuse of HRS section 205 relates only to prime agricultural land.⁷⁸ A quotation from the opinion, which follows, is silent on whether an agricultural subdivision on marginal lands would be an abuse of state law:

[W]e conclude that the proposed subdivision of 141.456 acres of substantially prime agricultural land at Mokuleia into sixty-five lots that appear to be too small for economically feasible agricultural use is, in all likelihood, intended for purposes contrary to the Legislature’s stated goal of preservation of prime agricultural land . . . and may be an attempted circumvention of the land use district amendment procedure . . . [The] City and County of Honolulu . . . should disapprove the subdivision application.⁷⁹

The legislature and LUC have not amended their laws and regulations to close the agricultural land use loophole.⁸⁰ Legislative history reveals acceptance and even encouragement of agricultural subdivisions on marginal land.⁸¹ The Attorney General’s opinion discouraged agricultural subdivisions only on prime land.⁸² Taken together, these records suggest one conclusion: the legislature would not consider agricultural subdivisions like Hokuli‘a to work an “absurd result” under HRS section 205. An agricultural subdivision on marginal land, with 20% of each lot engaged in active agriculture, producing even de minimus income, satisfies HRS section 205.

V. RECOMMENDATION

What happened with Hokuli‘a affects “everyone from the individual lot owner who is going to build a family home all the way through major developers.”⁸³ Preventing the next Hokuli‘a requires a three-step approach. First, the legislature should pass the next iteration of HB 2800/SB 3052.⁸⁴ Second, the legislature should reclassify some of the non-important agricultural lands to the rural district. Those lands would be better utilized for housing. Third, with the pressure to build on highly productive agricultural lands thus relieved, the

legislature must close the loophole in HRS section 205-4.5 so that development in the agricultural district is truly related to farm production.

Possible requirements for farm dwellings could include a specific income derived from agricultural activity and a minimum lot size. Other states require certain percentages of gross income or dollar amounts resulting from agricultural activity.⁸⁵ Also, requiring a minimum lot size would discourage fragmentation of agricultural land into parcels too small to support productive farming. The minimum lot size should correspond to the "minimum size of commercial farms in the area[.]"⁸⁶ which, in Hawai'i, is around five⁸⁷ to ten acres.⁸⁸ The bottom line is that the legislature must clarify Hawai'i's land use laws to make sure certain lands are used for the public benefit to which they are best suited, whether it be agriculture or housing.

VI. CONCLUSION

The perception that Hawai'i is at an agricultural land-use "crossroads"⁸⁹ stems from the uneasy realization that the state has not demonstrated a commitment to agriculture as part of its land use framework. As Donna Wong points out, there is no "agricultural ethic" in Hawai'i.⁹⁰ In order for a balance between urbanization and agricultural preservation to exist, the state must "do more than simply protect agricultural land; [it] must undertake to protect agriculture itself."⁹¹ Without commitment to agriculture as an industry, stopping development in the name of protecting agriculture is disingenuous.

There is a balancing process involved in true agricultural preservation. The forces of conservation and control must give in to the forces of development and growth, and vice versa:

[Agricultural] land . . . is both a resource and a commodity . . . Conservationists who view land as only a resource are ignoring the social and economic impact that would come with any massive restrictions on the free alienability [of] land. But land speculators who view land as only a commodity are ignoring public realization that our finite supply of land can no longer be dealt with in the free-wheeling ways of our frontier ancestors."⁹²

Each side will yield to the other only if clear policy reasons for the compromise exist. Only then can land use decisions proceed in a principled and purposeful way.

In time, Hokuli'a and other subdivisions like it will be land use relics, reflecting a period in Hawai'i's history when the appropriate uses for two million acres of land were yet unclarified. The agricultural subdivision would seem to be just the rational outcome of a combination of the following forces: no state commitment to agriculture as an industry, vague land use laws, and the inexorable push to put land to its highest and best use. Hawai'i now has the opportunity to get to the root of its agricultural land use problem. The state must take responsibility for the future of its economy and citizens' wellbeing by formulating the real policies underlying its land use designations."

Ka Nu Hou

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Section of the Hawaii State Bar Association
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Representative Magaoay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On that same measure, in support. And I'd also like to thank the Chairman of Water, Land, as well as the Chairman of Ag. Thank you."

Representative Yamashita 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 Yamashita's written remarks are as follows:

"The designation of important agricultural lands is mandated by the State Constitution. This measure allows us to begin that process. For that reason I support this measure.

"However, I caution the Members not to view this bill as the end product of a long debate over important agricultural lands, for this bill falls short of a comprehensive approach to preserving important agricultural lands. The nature of this bill requires us to continue that debate, and to address issues not covered by this measure, for years to come.

"We must examine the issues of meaningful incentives, not for agricultural production alone, but also for landowners to dedicate their lands to agriculture. We must address issues of appropriate land and water use for important agricultural lands. Finally, we must review our land use process to ensure that we legislate, in addition to protecting agricultural lands, sensible land use policies that reduce the pressure to develop on or near lands of agricultural importance.

"I would like to thank the Representative from Kahului for his leadership and guidance in this matter. He has pursued this matter for more than 12 years, and his experience and wisdom have been invaluable to me. Thank you."

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

"Thank you very much, Mr. Speaker. As the former member of the 1978 Constitutional Convention, I wish to congratulate the Chairman of Water, Land after all these years, for finally passing of an outstanding measure like this. Congratulations, Mr. Chairman."

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

"Thank you, Mr. Speaker. In opposition to this measure. With all due respect to the Chairs of Agriculture and Water, Land and the hard work that went into this, I don't believe that we're standing up to the constitutional mandate for this State to identify and protect our important agricultural lands. But I look forward to the amendments that can be pulled in the next Legislative Session to improve upon this bill. Thank you."

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

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:

"Although I am for finally designating Important Agricultural Lands as mandated by the 1978 Constitutional Convention, we are no longer dominated by the Big 5 and sugar is no longer our main industry. Also there are very viable and successful diversified crops now being grown on lava land and what was formerly thought of as wasteland, such as foliage, flowers, papayas and macadamia nuts.

"I am afraid that such land, which is most of my district, Lower Puna, will be designated now as Rural. This bill allows golf courses in Rural Districts. My constituents want a rural

lifestyles, but they emphatically do not want golf courses with their accompanying gated communities catering to the wealthy, second home mainland and foreign buyers, such as has occurred in West Hawaii and Maui.

"Parts of this bill also may be construed as making the Hokuia project legal.

"At first I indicated that I would vote "with reservations" but my colleagues, Representatives Berg and Thielen have convinced me to change my vote to 'no.'"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1640, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Luke, Morita, Takumi and Waters voting no.

Conf. Com. Rep. No. 176 and S.B. No. 1352, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1352, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Once more, we're pulling away, pulling at, pulling apart the civil service reform effort that this Legislature undertook in 2000. This measure, Senate Bill 1352 has morphed into its final form. It started out as a bone marrow donor bill. It allows for negotiation, procedure, and criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, and other disciplinary actions, rights all previously reserved to the employer and separated from collective bargaining. And it requires negotiation of the impact of transfers, assignments, and layoffs of public employees. It's expanding the area of collective bargaining, reducing the prerogative of management, tearing away further at civil service reform. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, as the previous speaker did state, it started off to allow for leaves of absence for bone marrow or organ donors. I think we could all support that. But now it infringes on management's right to take certain personnel acts by making such actions subject to negotiation. Mr. Speaker, if demanded by the union, the employer will have to negotiate for promotions, transfers, layoffs, temporary assignments, you can read it right in the language of the bill Mr. Speaker. If it's raised, it has to then be negotiated.

"This is really to hamper the State in managing its programs. If the employer needs to transfer employees because of an emergency, the action will have to be pre-negotiated. This includes police officers, Mr. Speaker. We've heard quite a bit from them. They're very outraged at this measure. This especially impacts all the emergency services. As I said, police, firefighters, EMTs, all of them. Imagine that. No you can't take off right now, that person is bleeding there. You're going to have to take them, or that's hospital is full, take them over there. No, I don't want to go, let's talk about it.

"Now this bill was killed by the Legislature as Senate Bill 290 and as House Bill 266. And I thought the Legislature had the serious problems with the bill. Then there I was in Conference Committee and I see House Bill 266 rear its ugly head again and jump right back in. Had a little help.

"So now the bill is back from the dead as Senate Bill 1352, previously a bill on bone marrow. Now just a bad to the bone bill."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, we have a shortage of police officers in this State. I've listened to many discussions as this bill has progressed throughout the Session. But I'm voting against this bill primarily because of what I've heard from the Police Department. My district Mr. Speaker, has complained that they make the calls to the Police Department and response might be maybe an hour or two later. And that's because we have a shortage of police officers. Because of that shortage Mr. Speaker, they have to constantly transfer police officers from station to station or assign them to different areas.

"I just want to read part of a letter from the Honolulu Police Department, from the Police Chief. He says that if this bill passes, it will have a serious negative impact on the public's safety. If there is an emergency, it's an agency charged with ensuring public safety if we are obligated to negotiate the impact of transfers, assignments, and layoffs, it could seriously hamper our ability to provide timely and efficient public safety. We conduct transfers, and assignments on a quarterly basis, and sometimes more frequently than that. If we are required to negotiate over the impact of these transfers and assignments, it could bring our operations to a standstill.

"As a previous speaker stated Mr. Speaker, this bill in the current form was killed many times throughout this Session and it appeared just a few days ago in another bill, giving us very little time to review it and have a public discussion on it.

"I agree with the Police Chief as he says that discussions like this that affect employers and a bargaining unit, should not be discussed in Conference or hearings where public testimony is not allowed. Thank you."

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

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, perhaps I can help try to clarify some of the confusion here, although it may be intentional to create some confusion. The reason for this legislation didn't come out of the clear blue Mr. Speaker, as previously mentioned. The Supreme Court made a written decision issued on January 20, 2005 by our Chief Justice Ron Moon. It came out with an opinion involving the United Public Workers vs. Mufi Hannemann and the Hawaii Relations Board. It's an extensive opinion, Mr. Speaker.

"On the last page, I just want to read part of it for the Members of this Body. It goes: 'Parties are permitted and encouraged to negotiate all matters affecting wages, hours and conditions of employment, as long as the negotiations do not infringe upon employer's management rights under this section.' And what they're talking about, hours, wages and conditions, those are mandatory negotiating items. That's okay.

"But then in *dicta* Mr. Speaker, which isn't the holding of the case, but does have judicial precedents, you can cite to it and show the intent of the court. It goes on to say, in other words, the right to negotiate wages, hours and conditions of

employment is subject to, subject to, not balanced against, managements rights. Plain and simple, what they're saying there is, management's rights trump the bargaining rights of the employee. That's disturbing. Now it's not the holding, but as a lawyer, I would cite that if I was trying to argue on behalf of management.

"Well guess what's happened Mr. Speaker, since January, since we went into Session? At least three cases that we know, where in fact management has now raised this issue looking at this *dicta*. One is UPW and HGEA vs. Kawaihale Haole, in which the DOH had sent a letter suggesting that this decision has barred negotiations on issues involved. Then there's HGEA in grievance vs. the City and County of Honolulu, where they've raised it as a defense. And an HGEA prohibited practice charge versus the Judiciary where they've raised it as a defense.

"So what we're trying to do here Mr. Speaker, is to clarify the Supreme Court decision. Unlike other attempts, we're not trying to amend the Constitution to do this. We're doing it the way we're supposed to do it under the checks and balances, and balance of power. Judiciary has spoken and we as a Legislature will now come back and make it clear as to what the intent is. And we just want to balance the equation here. We don't want to have this *dicta* used to unbalance something that has been balanced up to this time. So this is what the legislation tries to do.

"Mr. Speaker, if you turn to the first page of this bill that we're talking about, at line 8, it starts, 'the employer shall not agree to any proposal ...' and it goes on to 12 – I'm kind of summarizing. '... which would interfere with the rights and obligations of the public employer to direct employees, to determine qualifications, to hire, promote, and transfer.' So it's saying that the employer has these rights.

"Now if you turn then to the second page, starting at line 20, 'this subsection shall not be used to invalidate provisions of collective bargaining agreements in effect as of July 1.' It goes on, 'and it shall not preclude negotiations over the procedures and criteria on transfers, assignments, demotions, layoffs, terminations, and discharges.' This Mr. Speaker, is permissive collective bargaining items that are currently allowed. We're just making sure that those issues are permissive.

"Then it goes on to say, 'and shall require negotiations over the impact of transfers, assignments, and layoffs of public employees. This is called 'effects of bargaining', Mr. Speaker. It's not unusual to have an effects of bargaining in negotiating agreements. What we're just trying to do here is to make certain based on this *dicta* that you can bargain on the conditions of transfers, on the effects of the transfers. And that is a reasonable thing to expect. You would expect someone representing employees to be concerned about the impact of transfers on their employees and set up the criteria for such transfers. That is what this bill is trying to do Mr. Speaker. Plain and simple. Nothing more, nothing less. Thank you very much."

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.)

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Final Reading by a vote of 39 ayes to 12 noes, with Representatives Ching, Evans, Finnegan, Fox, Hiraki, Marumoto, Meyer, Moses, Pine, Schatz, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 177 and S.B. No. 1729, SD 2, HD 2, CD 1:

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 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Finnegan, Fox, Meyer, Moses, Pine and Thielen voting no.

Conf. Com. Rep. No. 179 and S.B. No. 1132, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 180 and S.B. No. 1257, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1257, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm speaking in opposition to Conference Committee Report No. 180. Mr. Speaker, I think it's no secret that this bill is being advanced by a gentleman who was not selected for the Board of Regents and pushed hard to come up with this new way of selecting Regents, presumably one that would select him.

"I think this reference to a Candidate Advisory Council in this bill is a misnomer. It's the wrong term. It should be called the 'Regents Selection Commission' because it's going to make the basic decision on who's going to be on the Regents just as the Judicial Selection Commission comes up with a series of names that the Governor is forced to choose from among.

"The use of the term Candidate Advisory Council is a deliberate attempt to make it akin to the process of the University of California system where there is in fact an advisory council that helps give names to the Governor who is free to select or not select, but has the benefit of an advisory council to suggest names. Only four states have this kind of forced selection process that we're using in this bill.

"I would prefer to be with the other 46 states and particularly with California which has an outstanding public education system. In many cases, California is a model for this State. But I think particularly when it comes to higher education, that's where we should be. Our last two Governors are products of the California State school system. I think it's one well worth emulating and we make a big mistake going away from gubernatorial appointments and possibly an advisory council not a selection commission. Thank you. Mr. Speaker."

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. 1257, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 40 ayes to 11 noes, with Representatives Ching, Finnegan, Fox, Green, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 181 and S.B. No. 179, SD 3, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 179, SD 3, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support. Before I begin Mr. Speaker, I wanted to thank you and the Leadership for your fine leadership in crafting an omnibus bill that this House can be proud of. This is evidence of a collective effort by both House and the Senate. Mr. Speaker, this Omnibus Bill, the purpose of this bill is to address Hawaii's critical affordable housing and homeless problem. Mr. Speaker, this bill, the Omnibus Bill addresses these concerns raised by the developers and community housing activists about the affordable housing crisis.

"The bill primarily targets affordable housing and rental housing for working families earning around \$50,000 per year. The bill increases funding to the Rental Housing Trust Fund so that these funds may be used to leverage public-private partnerships or even private development of affordable rental housing.

"Through the increases in the Conveyance Tax Proceeds and Budget Allocations, the Rental Housing Trust Fund will bump up to approximately \$15 million next year. In recent years, prior years, the Rental Housing Trust Fund was funded in the \$3 to \$5 million range from the conveyance tax proceeds. Thus, this will triple the funds available to develop developers to leverage financing programs to build rental housing.

"Mr. Speaker, this bill creates a special grant program in the Rental Housing Trust Fund as further incentives to build units for families earning less than \$20,000 a year. This is a two-year pilot program to determine if outright grants will result in more rental units dedicated to this target group.

"Mr. Speaker, this bill also gives developers incentives to build rental housing for working families earning around \$50,000 per year. And how do we do that? One, by expanding the GET exemption for build-up costs and rental income streams from projects that are dedicated, at least 50 percent units to this target group. Two, it increases the amount of the State low-income housing tax credit that may be matched against the federal low-income tax credit. This would assist developers with obtaining financing since the tax credit can be sold in the secondary financing market. And third, expands the type of developers that may be eligible to apply for the rental housing trust fund to corporations, companies, and partnerships.

"Mr. Speaker, we should be happy with this bill since it recognizes available lands to build affordable housing projects is limited in urban areas; and the bill creates an exemption from the conveyance tax where the real property is sold to an organization certified by HCDCH for low income housing and development.

"The bill also recognizes that the State has many vacant units that are in need of major rehabilitation in order to be made livable. This bill permits the Housing Community Development Corporation of Hawaii to offer these decommissioned public housing projects to private developers to rehabilitate the property for homeless shelters, transitional housing, or low income housing for families with income less than \$35,000 a year. And the property may be ..."

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

Representative Kahikina continued, stating:

"Thank you, Representative. And the property may be leased for \$1a year. In response to complaints by developers about the delays in the permitting and approval process by the counties and the Land Use Commission, this bill permits developers to obtain approval of the project within 45 days if the project primarily targets housing units for families earning less than \$95,000. Mr. Speaker, these are the working families that you were concerned about.

"This bill also reorganizes the HCDCH into two agencies. One agency, that manages and maintains public housing and homeless programs. And the other agency that concentrates on development and financing of affordable housing. This will be effective July 1, 2006, to give the HCDCH enough time to do the reorganization.

"It also creates a joint Senate-House legislative task force to conduct hearings and fact-gathering to develop further solutions to the affordable housing and homeless problem.

"Mr. Speaker, I also want to highlight in the 2005 budget appropriation that addresses affordable housing. And we appreciate the Chair and Vice Chair of Finance and the Committee members for supporting the \$1.65 million for homeless services from general funds in fiscal year 2005-2006 and fiscal year 2006-2007. This is a 33 percent increase above the base for homeless services.

"Also in the budget we have \$1.5 billion for Hana Ranch affordable housing developing in the CIP bonds to build more affordable housing. We have \$3 million in fiscal year 2005-2006 and \$2 million in fiscal year 2006-2007 for HCDCH to repair and maintain site improvements and renovations. There's also appropriated \$500,000 in fiscal year 2005-2006 for a Leeward Coast homeless shelter to construct new and very needed homeless shelter for the Leeward Coast area.

"Mr. Speaker, thanks to the Chair of Health and the Chair of Human Services both on the House and Senate, in the 'rainy day funds' bill, they supported a \$1 million appropriation for homeless above the 33 percent increase on the base for homeless programs. And may I say also, they supported in the 'rainy day funds' bill, I think approximately \$60,000 to Honolulu Community Action Program to supply supervision in the areas in the parks where homeless may be gathered. That was one of the major concerns.

"In short, Mr. Speaker, this is the beginning of a two-year strategy. Two-year strategy plan to address affordable housing and homeless problem. Mr. Speaker, I look forward in the interim, in the Senate and House task force. And I'm looking forward in next Session to come back with very viable ideas that we can take this measure and provide the needed housing and homeless programs that our people need in Hawaii. I urge our colleagues in this House to support this measure. Thank you."

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Moses introduced former Representative, Honolulu City Council Member Nestor Garcia.

UNFINISHED BUSINESS

(Conf. Com. Rep. No. 181 and S.B. No. 179, SD 3, HD 2, CD 1)

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

"Thank you, Mr. Speaker. I rise in support of this measure. I truly commend the Chair of Housing. I know where his heart is and where his efforts have been. I just want to point out that since we have the interim task force, I hope they can address some components and I'm going to list them, that are recommendations of the Governor's Task Force on Affordable Housing. When the task force was established at the request of this Legislature pursuant to Concurrent Resolution 135 last year, none of these recommendations were adopted by the Legislature this year in the omnibus affordable housing bill. And now we're going to have another task force. So I hope they pick this up.

"The first one is prohibiting raids on the funds of the Housing and Community Development Corporation of Hawaii. In fact in House Bill 100, CD 1, raids \$5 million from the HCDCH Dwelling Unit Revolving Fund and deposits the money into another fund of the HCDCH, the Rental Housing Trust Fund.

"Two, as an incentive for developers, we should have them provide affordable for sale and for rent units. There should be the provision of a general excise tax exemption for developers who construct affordable housing units before December 31st, 2007. As an incentive for developers to plan affordable development projects, an exemption on projects including affordable housing units which are fifty acres or less from the land use classification process.

"Increasing the flexibility of the Rental Housing Trust Fund by allowing moneys in the fund to be used for mixed financed projects providing affordable units to families earning up to a 140 percent of the area median income and funding the RHTF with sufficient funds to meet the demands of the market.

"And finally Mr. Speaker, increasing the share of the conveyance tax dedicated to the Rental Housing Trust Fund from 25 percent to 50 percent. And this measure only increases the amount to 30 percent. Thank you, Mr. Speaker."

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

"Mr. Speaker, I do want to acknowledge the Leadership and the hard work of the Chairman of this Committee. He came up with a good compromise bill that we can all be proud of."

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 a no vote for her, and the Chair "so ordered."

Representative Abinsay rose in support of the measure and asked that the remarks of Representative Kahikina be entered in

the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose, stating:

"Thank you, Mr. Speaker. I guess I'm getting a little tired. I'm sorry, I want to rescind my no vote. I was incorrect on the housing vote. I am in favor of that measure. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I'd just like to have the words of the Chair of the Housing Committee entered as my own. And I wanted to thank you, Mr. Speaker, for elevating this issue which is very important to Hawaii's people, especially those who are working and poor, and for my brother from Nanakuli for his heart in recognizing where the real needs are. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in support with some reservations. I had the pleasure of serving on this Conference Committee. The Chairman of Housing certainly worked hard and didn't give in to the Senate side, and worked for the things he believed in. I think we know that the House version was really looking out for people on the lowest end of the scale. With the funding that was put in the budget, we do have a lot to be proud of as far as providing funding for homeless shelters and a place for the homeless people to go. I hope that we will see a lot of improvement there.

"My reservations are that I don't believe that the bill we are passing tonight is going to do much to provide affordable housing for our people who want to, people in the middle of the 80 percent of the median, even the 140 percent. Whether there is going to be housing produced that they will be able to buy. But I realize that legislation is incremental. We can't get everything we want at one time. So I'm happy that we are passing this bill out. 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. 179, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 182 and H.B. No. 384, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 384, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, I rise in strong support of this bill. The last time an adjustment was made to the court-appointed counsel fees was 17 years ago. Many competent attorneys decline to take court-appointed cases because it is economically disadvantageous to accept such cases. The end result is a general decrease in the overall competence level of court-appointed counsel in the counsel pool.

"Justices of the Hawaii Supreme Court have commented on the inadequacy of the current fee schedule for court-appointed

attorneys. In *In re Attorney's Fees of Reinhard Mohr*, 97 Haw. 1, 32 P.3d 647 (2001) both Justices Ramil and Acoba stated, in separate opinions, that the current hourly rate was inadequate and adversely affect the constitutional rights of indigent criminal defendants to adequate representation.

"According to Justice Ramil:

In my view, the patently inadequate hourly rate paid to state court-appointed private counsel is endangering the right of indigent criminal defendants to adequate representation. The current rate does little to encourage private counsel to participate enthusiastically in the defense of indigent criminal defendants. At the existing rate, competent private counsel may not feel it worthwhile to accept court appointments. The interests of indigent criminal defendants would be better served if capable lawyers can be relied upon – without excessive financial sacrifice --- to provide competent, skillful representation.

32 P.3d at 658.

"Similarly, Justice Acoba wrote:

The hourly rate under HRS Section 802-5 is no longer reasonable Insofar as compensation is inadequate, those attorneys who represent indigent clients, in effect, personally subsidize the financial obligation imposed upon the State by the United States and Hawaii constitutions' mandate that such defendants be represented by counsel

"I have been consistently introducing this same legislation since entering office in 2001 because I have been concerned about meeting our constitutional duty to ensure access to adequate representation. Thus, I am very pleased that this measure finally appears as though it will pass this session.

"Thank you."

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

"Mr. Speaker, I rise in strong support of this legislation. It's been said that the poor and the uneducated have increased likelihood of ending in jail because of their inability to hire credible lawyers to represent them. That may not be totally true, Mr. Speaker. I think this will attract those public defenders and would better increase the pool of lawyers. Paying them \$90 per hour is really not very much in comparison to what they could make in a private practice. However, this is a start to recognize their effort in serving those who are not financially adequate. 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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR COURT APPOINTED COUNSEL," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 183 and H.B. No. 1378, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1378, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Fox, Lee, Marumoto and Thielen voting no.

Conf. Com. Rep. No. 184 and H.B. No. 1733, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1733, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in strong support. I wanted to thank the many Members who worked diligently to get this DNA bill to what it is today. Currently the State collects DNA samples from sex offenders and violent offenders. What this would do is it will expand the DNA sampling from all convicted felons. We're going to use scientific evidence like the ones they use in *CSI* to actually go after convicted felons who actually did the deed. But at the same time, I'm very proud to say that this bill incorporates many aspects of what is known as the Innocence Project. And it requires the HPD and PSD to also retain evidence from the scene of the crime to allow the wrongly convicted felons to exonerate themselves.

"I especially wanted to recognize one Member, and that is the Representative from Kahala who has over, I would say, the last five or six years, who diligently lobbied for this effort and we finally are able to pass it. So we wanted to especially thank her."

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

"Thank you. In support, Mr. Speaker. I especially would like to return the kind words and commend the Chair of the Judiciary Committee for introducing this measure and pushing it through. And it could not have been done without the support of her counterpart, the Senate Judiciary Chair. Also I think we owe a thanks to the Attorney General for his leadership in the law enforcement coalition. This will get off the ground eventually, not right away. But it's about time that Hawaii has joined the 21st century. And I would like to have further remarks inserted in the Journal."

Representative Marumoto's written remarks are as follows:

"After many years I am happy to see that this DNA bill is poised for final passage. I ask that a column from the *Honolulu Advertiser* of April 25, 2005 be inserted into the Journal. It is entitled: DNA can help protect Hawai'i's citizens."

"ISLAND VOICES

DNA can help protect Hawai'i's citizens
By Barbara Marumoto

Hawai'i is one of only 12 states that do not collect DNA samples from all convicted felons. Thirty-eight states and the federal government have found that the availability of DNA samples from all felons helps them solve hundreds of crimes, including "cold" cases that they otherwise might not solve. It also could prevent unknown numbers of crimes by keeping potential felons off the street.

Currently, Hawai'i only collects DNA samples from sex offenders and those convicted of violent crimes. However, research at both state and federal levels shows that those convicted of nonviolent crimes, such as property crimes, frequently graduate to violent crimes. Having the DNA of criminals who have committed property crimes already in the system increases the speed and certainty with which suspects could be identified by analyzing DNA left at crime scenes.

The Hawai'i Legislature is now considering a measure that would authorize collection of DNA from all those convicted of felonies — not only violent and sex crimes. Why is this important?

In 38 states, law enforcement agencies are matching DNA evidence from unsolved cases to current DNA databases and linking offenders to unsolved crimes. Expanded DNA databases that include all convicted felons increase the chances that the perpetrator of an offense will be identified and apprehended. This can be done in Hawai'i.

This bill falls short in that it does not allow law enforcement agencies to retrieve DNA samples from arrestees — only if, and after, they are convicted. However, this bill is a good first step in building a database of felons who have a propensity to be repeat offenders.

Equally important, this bill could exonerate wrongfully convicted people. There are probably many people in prison who are innocent and have little chance of exoneration, and the use of DNA holds out hope to them.

Expanding DNA database requirements will eventually help prevent crimes because an offender who is not apprehended remains free to commit more crimes. According to the Department of Justice, the average rapist commits eight to 12 sexual assaults. If a rapist were apprehended earlier, many rapes could be prevented.

The technology of DNA collection has improved so that blood samples are no longer necessary. Mouth swabs are as effective as blood samples and are easier for law enforcement agencies to use. Collection costs are under \$2 per swab.

Last year, Congress passed the Justice for All Act, which includes the Debbie Smith Act of 2004. This law authorizes several hundred million dollars for states and local governments over the next few years to expand DNA registration programs for felons. These funds will help states pay for the backlog of unanalyzed DNA samples and complete DNA analyses on thousands of unsolved homicide and rape cases. Federal money is available for equipment, facility renovation and even overtime costs. Hawai'i is entitled to its share, and we could access federal funds if we enact this legislation now. For too many years, DNA legislation has languished.

Debbie Smith, herself a victim of a horrific rape, lived in constant fear for 6+ years while her rapist remained unidentified. Her fear was lifted only when her state passed legislation to collect DNA from all felons. The DNA collected from her alleged perpetrator was matched against the state database of criminal offenders and he was identified and apprehended.

If we pass the "all felons DNA database legislation," it will triple or quadruple the odds of identifying rapists and other criminals. And with the available federal money, Hawai'i does not have to pay for all of it with scarce state funds.

Just a few examples of federal funding authorized in the new federal law for each year from 2005 through 2009 are: \$30 million for the Sexual Assault Forensic Exam Program Grants; \$15 million each year for the DNA Research and Development program; \$12.5 million annually for DNA Training and Education for law enforcement, corrections personnel and court officers; and \$151 million each year for effective use of DNA technology to solve crimes.

The City & County of Honolulu could use these funds to ramp up and expand its crime lab — the only one in the state. However, this legislation would be most helpful to Neighbor Island police and prosecutors. The funds could be used to pay for Neighbor Island needs, or out-of-state analysis, or to build DNA labs on the Neighbor Isles. Or they could be used to expand the HPD crime lab to assist Neighbor Island law enforcement agencies. Additional federal grants are available to train lab staff in DNA analysis, processing and other functions.

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 chairs of the House and Senate Judiciary committees for advancing a bill to expand DNA collection. It is now in conference committee, and its eventual passage will improve the administration of justice.

Hawai'i needs this law now to help our citizens who are victimized by crime, and we owe it to those who are wrongly accused and convicted.

Republican Barbara Marumoto represents the 19th House District (Kaimuki, Kahala, Wai'ala'e Iki)."

*The Honolulu Advertiser
Monday, April 25, 2005*

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

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

"I am in strong support."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Final Reading by a vote of 51 ayes.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Luke introduced Mr. Bob Watada, Chair of the Campaign Spending Commission, and his wife, Mrs. Watada.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 185 and H.B. No. 1747, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1747, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"We were able to work on a compromise bill that actually did substantial things. And this is something that we have been trying to pass as it bans contributions from contractors who actually have contracts with the State or City. It also puts further restrictions on community organizations, and community donations. I know Mr. Watada was very much in

support of that portion. Also the other portion that Mr. Watada has lobbied for and we were able to put into this bill is the reduction of the amount of out-of-state contribution that candidates get.

"We wanted to especially thank Mr. Watada for his efforts. I told him that as long as I'm here, and as long as the Vice Chair of Judiciary, the good Representative from Aiea, is here, we are going to continue to fight for campaign finance reform.

"What we had hoped to put into this bill was a substantial reduction in campaign contribution. Mr. Speaker, I know last year when you had proposed that language, we kind of laughed because we thought, maybe you were losing it. But now I see your wisdom and Mr. Watada completely agrees with you. The way to true campaign finance reform is to substantially reduce the campaign spending contribution. So thanks again Mr. Watada and best wishes."

Representative Chong rose in support of the measure and asked that the remarks of Representative Luke 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. 1747, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGNS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 186 and H.B. No. 1309, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1309, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in strong support of this measure. Traffic is the number one problem in Oahu especially on the Leeward Coast. I realize this measure asks for a half-cent increase for the general excise tax, but the dilemma that we are facing everyday would substantiate this increase. This problem should have been addressed ten years ago, but due to the government's failure to act in a timely manner and failure to decide what is best for its people, we continue to suffer.

"Most of the things that we need in life are not free. We need to give in order to receive. I want to thank the Speaker Emeritus Souki for the passage of this bill. I hope and pray that the City Council will enact this bill.

"While I'm on this topic of traffic Mr. Speaker, I would also like to thank the authors of H.B. 100 and the CIP Committee for their appropriation of two traffic studies on the Leeward Coast, mainly the underwater tunnel for Ewa Beach and the traffic study for Central Oahu. I am very hopeful that these two studies will address the dilemma that we are facing.

"Although this measure comes ten years late, at least it's not never. Thank you."

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

"Mr. Speaker, I am in opposition to this measure. By the time the one-half percent GET is levied, if it is voted in by the County, it will be the year 2007 and voters will long have forgotten those who had a part in raising their cost of living.

But I cannot participate in gouging more money out of our poor and our seniors and our working families. In case you might not have noticed, I strongly opposed the authorization to increase the GET. Strangely enough, I do support the construction for a fixed rail for Oahu. I just think we could finance it differently.

"Yet I cannot fail to point out that there was no plan and therefore no price tag for the train. We do have a price tag for the tax however. Using today's tax take, a one-half percent GET would soak up \$270 to \$280 million a year according to the Tax Foundation. So over 15 years folks, the price tag for the tax would be \$4 billion. So we do have a price. We do have a plan to raise \$4 billion in taxes and no plan for the project. It's not a good way to go, Mr. Speaker. No way. Thank you."

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

"Mr. Speaker, speaking in favor of this. First of all Mr. Speaker, I want to thank you for having the confidence in me to lead this Conference Committee and this measure throughout the year. I also want to thank my Co-Chairman, Representative Lee, and of course the Finance Chair, and those that sat with me. I believe it was Representative Yamane. I believe Representative Moses, did you sit with me on this one? I don't know. Maybe Representative Fox did.

"But Mr. Speaker, I believe there comes a time in a Representative's legislative career when he or she needs to make far-reaching statesman-like decision. This bill is what it's all about.

"For many of us, we will never see the end result. But we know that the City and County of Honolulu is in a gridlock position and unless something dramatic like rail is done, the problem is going to get continually worst. Yes, Mr. Speaker, this is merely a bill to authorize them, so we don't have the particulars in this bill. It is for the county to decide, if they should accept and opt to go with this tax. And the City and County of Honolulu in the case of rail, for them to come out with the plan and the design for this project. It is not for the Legislature to do this. This merely a bill to provide the authorization for the tax.

"Going back to the statesman-like decision. We all know, especially those living on the Ewa Plain and beyond, that something has to be done. The first route is only to the University, but eventually I think we all know it must happen, it's going to be going to different trunks. Going to the east, possibly going to Kailua, possibly going to Kaneohe. This will be a model for the Pacific islands as it moves on. The City and County of Honolulu cannot continue with this gridlock condition unless something dramatic like this has happened.

"Mr. Speaker, from those from the Neighbor Islands and those of you who are from the Windward area and live on the way to the East area, of course they are not going to be benefit from this. But if we are statesmen-like legislators, which we all hope to be and want to be, we need to see beyond our own personal needs. And we need to be prepared if we have to, to go back and face the wrath of our constituents.

"If they elect me only to do the bidding that they want, then I am not being a good legislator. This is a republic form of government and I believe that I have a right as a legislator and an elected official, to do what I think is best for the State, not only for now but for the future. Members, I believe that in time, as you take this action here, the public will thank you. Maybe not at this minute, not at this year, maybe not five years

from now, but in the long term, they will thank you for the kind of difficult position that you are going to be making today.

"For the particulars of the project, I don't have to go through that. I think it's all in the bill. You have read the bill and I think you know exactly what it has. The year it's going start, when the 'drop-dead' date is, and all of these particulars. So all I ask of you is, look at this bill. Don't look for the short term. Look for the long term. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I'm in opposition essentially because of the tax we're choosing to implement. This isn't a homerule issue where we're deciding philosophically that we're going to give the counties more power to tax. This is an issue where there's a demand. It feels like at this point, it's almost assured that this tax will be implemented and we're just following through with giving what has been asked for.

"Let me also primarily point out that in any public transportation venture, once operational, they are 'lose money' propositions, that they need continued funding from the State and federal government, that the farebox doesn't pay the whole amount. If the County chooses to follow through with this project, in the long run, in addition to this tax to build the rail, there needs to be a commitment to fund the 'lose money' proposition for as long as they would want rail to run.

"But Mr. Speaker, my concern is about the tax that we're choosing to hand-off here, that is the general excise tax which is a regressive tax and in my view, socially and economically damaging tax.

"Mr. Speaker, earlier today in the discussion on House Bill 100, it was mentioned that in last few years, there were tax cuts that purportedly to date have given a billion dollars in tax reductions. But that having been said, I want to point out that in 1995, we passed the largest tax increase in the State of Hawaii when took away the tax credits for food, medical services, and other adjustments for rent, credits for low income. That Mr. Speaker, cost the taxpayers in excess of a hundred million a year. So we've exceeded a billion dollars in the largest tax increase that the State has ever implemented.

"But I'm bringing that up, Mr. Speaker, because in that taking away of credits, we made the general excise tax more damaging because it taxes essential food, taxes doctor bills and hospital stays. When we hand off this tax, we are going to finance this too much on the backs of young mothers who need to feed their children, on people that are sick, people on fixed incomes, it is regressive if I can make that point again.

"The Representative from Puna on another bill today pointed out that she prefers taxes to tax the rich. This is a tax that more severely impacts those that can least afford it. And that is the mechanism that is being proposed here to provide mass transit as opposed to some other tax that may be more related to do the job, like increasing the gas tax or the *ad valorem* on vehicles, something more related to the job, to the goals that we are trying to achieve.

"So Mr. Speaker, I'll sum up here. Just simply say, this is not a good tax. It's damaging socially and economically to our community. There will be spillover to the Neighbor Islands. Thank you."

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

"Thank you, Mr. Speaker. On this measure, I stand in support with a slight reservation. First of all, I'd like to give credit to Speaker Emeritus for doing an outstanding job on this bill. As an engineer, we had to take a look ahead because it doesn't matter what you do today. We have to take a look at the future to solve the situation as everybody has mentioned. Traffic will always be here, but we need to find a solution.

"Mr. Speaker, my reservation is that we have to take a look at our elders. Because where I come from, the North Shore, and also basically on Oahu and the whole State, the housing crisis especially those homes where the plantation homes which are 75 years old, or 50 years old, are being sold for half a million dollars and above. And those are people, families living on fixed income. Now they will be assessed at a new property value. Your taxes will go up. Everything that is being paid – Medicare – the cost is going up. Nothing is there. And for these people, their fixed income is today. They have no future, which is tomorrow. Most of their children have gone away, none are coming back.

"I just want to ask the County that as they make the decision, I know we need rail, but also take a look at the people that are on fixed incomes that have given their lives, and I hope we don't put them out in the poor. Because I think we owe them, and they deserve the respect of others because they did planning. Let's take a look. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I speak in favor of this bill. Not with a great deal of enthusiasm because I sort of agree that the general excise tax is a regressive tax. I would prefer to increase the income tax on the rich. But I look at it from the perspective of county government. Having served for twenty years in county government, from the very beginning when we were under State law and we did not have a Charter, we had to come to the Legislature every year with a handout for something. We even had a maximum amount that we could get from real property tax because the plantation which we're on, most of our lands, didn't want taxes on agricultural land.

"Over the years I have watched this Body give us more homerule. And homerule, we are I think, it is a slogan but it's something that all the counties will agree with. So from the point that finally we are getting what every local government across the United States has, the power to tax locally from one city to another, we are getting the power to decide for ourselves whether we want this tax or not. I'm very happy that our Mayor has said he doesn't want it. But at least it is a step in the right direction. Although there are some restraints on it, it has to be done by December 31 of this year.

"Hopefully it will break the hold of the State which is much too centralized for those of us who live on the Neighbor Islands. Everything is decided here. This Body and the local county councils are the only form of government that we have that is elected by the people. So from the point of view of homerule, of giving us the power to have limited power as it is, to tax, I can support this bill."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. I don't want to repeat what everyone else has said. I personally don't believe that rail is going to be the panacea or do anything to reduce traffic congestion. I've received many, many emails from constituents in my district and it's not surprising. They're out in Laie, Hauula, Punaluu and they don't

want it. They're not interested in the rail. And they certainly don't want to pay 12.5 percent more in excise tax.

"I have a rural district that I represent. There are many retired people. There are many people on public assistance. And they are the ones that get hit by this regressive tax. You can say that the counties will have the taxing power, but the way this bill is written, the tax will be collected by the Department of Taxation. The bill even calls for a 10 percent fee that they will keep for providing this service. They'll have to redo excise tax books. There's a lot of preparation and that takes people money and this bill has no money in it for the Department of Taxation to do what it needs to do to prepare for this huge change in how the excise tax will be handled.

"Again, I've signed the no new tax pledge. I believe in keeping my pledge. I know there are people in this Chamber who think that somehow we are an arm's distance from a tax increase because we're not actually doing it. We're enabling the counties to do it, but we don't have to do it. And there are other ways that the counties can raise funds. Thank you, Mr. Speaker."

Representative Fox rose in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with deep reservations. My reservations start with the point raised by the Representative of Kahaluu. I believe that we have a nearly fatal flaw in this bill based on what she's talking about and that is that the Tax Department is being charged with setting up an apparatus for allowing the counties to collect the GET. Now this is a major, major operation. It's going to cost a lot of money. And while the bill provides for the money to pay for this in the 10 percent hold back that it has to pay the State to do this function, the bill was not set up in such a way the money was advanced. So the Tax Department simply doesn't have the ability to do this without the money. We've put the budget to bed, it's not there. We're going to have to fix this some way. We've certainly laid the bill open to a possible veto with that provision in it.

"I do want to point out that this is, in and of itself, not a tax increase. The Representative from Kihei correctly said if the county chooses to follow through. The Representative Puna indicated quite clearly that the Big Island may not even use this authority. We all remember, I shouldn't say we all remember, but whether you remember it or not, it is history, that in 1990, this Body passed an authority for a half percent excise tax to deal with rail. That authority, two years later was rejected by the City and County of Honolulu. So that same thing can certainly happen again.

"Mr. Speaker, there is another point, and that is that this bill is a general excise tax on retail sales only. I would like to remind the Members that this shows that the general excise tax at the county level does not have to directly mirror how it's handled at the State. I'm sure that the counties could set up a situation in which exemptions were offered for low-income people, credits for food and medical services could be built into the general excise tax offered at the county level. Then we could then meet the need of allaying the regressive features of the tax. So there are various ways to deal with it.

"I think that going forward, the county has to be made to come up with a transit plan. Nobody is going to buy a 'pig in a poke'. If you don't have a good plan, you shouldn't pay for that tax to go with it. But that's really the responsibility of the county. So again, my deep concern is that we have a flawed bill here because we haven't figured how to pay for the Tax Department's work in advance."

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Takai introduced Honolulu City Council Member Nestor Garcia, Chair of the Transportation Committee; and former Representative Clarice Hashimoto.

UNFINISHED BUSINESS

(Conf. Com. Rep. No. 186 and H.B. No. 1309, HD 2, SD 2, CD 1)

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

"Thank you, Mr. Speaker. Despite the number of short-term solutions implemented by the City and the State such as contraflow lanes, synchronized traffic lights, zipper lanes, etc., traffic worsens each and every year. Without a mass transit system, the commute to and from town takes longer. With 10 percent of Oahu residents spending between two to three hours a day in their cars, even weekends Mr. Speaker are now considered bad traffic days.

"I know that you Mr. Speaker, understand how this situation sorely impacts the quality of life and indeed affect the desirability for certain neighborhoods. Prior to making my decision to support this measure, I considered all points of view. Other options that were floated to raise the funds to build a transit system included raising the State fuel tax or raising property taxes in each county.

"The State fuel tax is currently at 16 cents a gallon. According to the Department of Taxation, approximately 460 million gallons of fuel were sold in fiscal year 2004 equating to approximately \$73 million in taxes. To obtain the same amount as the increase in the GET, which DOTAX has estimated to be \$214 million statewide, the fuel tax on gasoline would need to be raised to 47 cents per gallon. An increase of approximately 360 percent. To obtain as the increase in GET, property taxes in the City and County of Honolulu, would need to be increased by 33 percent to get the \$148 million.

"Additionally Mr. Speaker, I asked the Department of Business, Economic Development, and Tourism for information about how much of the total GET collected is paid by visitors to Hawaii. DBEDT reported that in 2004, visitors accounted for approximately 30 percent of GET collected. In other words, Mr. Speaker, out of the \$148 million from the GET increase on Oahu, nearly \$45 million will be paid, not by you or me, but by tourists and visitors. Because either the gasoline tax or real property tax options would require greater increases in taxes and because approximately one-third of the GET is paid by the tourists and visitors, I've concluded that the GET proposal was best.

"More recently Mr. Speaker, the Chamber of Commerce of Hawaii, whose mission is to work on behalf of its members in the entire business community, to improve the State's economic climate, and help businesses thrive, has also come out to support this measure. In addition the Building Trade Council also supports this funding mechanism.

"Governor Linda Lingle, our entire congressional delegation, the Legislature, Mayor Mufi Hannemann and the City Council, all support this funding mechanism. Thus I believe that there will never be another opportune time to consider a funding mechanism for mass transit on Oahu. A vote against this

measure now would mean the demise of mass transit forever on Oahu. Mr. Speaker, I would like to insert the remaining parts of my remarks into the Journal."

Representative Takai's written remarks are as follows:

"Rail transit is a solution to clogged arteries
The Heart of Oahu needs a triple bypass
By Rep. K. Mark Takai
May 3, 2005

No one wants higher taxes, but I hope you will allow me to offer my viewpoint on the importance of this measure and my reason for supporting it.

Despite the number of short-term solutions implemented by the City and the State such as contraflow lanes, synchronized traffic lights, and zipper lanes, traffic worsens every year. Without a mass transit system in place, the commute to and from town takes longer every year, with 10 percent of Oahu residents now spending between two to three hours a day in their cars. Even weekends are now considered bad traffic days. We all understand how this situation sorely impacts quality of life, and indeed affects the desirability of certain neighborhoods.

HB1309 does not raise taxes per se, but gives the counties the authority to levy a surcharge on the state GET of up to one-half of one percent point in order to pay for transit projects. For Oahu, this will most likely be a fixed rail system. The Neighbor Islands would be able to fund their own individual transit projects based on the needs of the county.

The funds raised for the rail project must be leveraged with other funding sources, such as federal money, private partnerships, and ridership fees. If Hawaii, through our Congressional delegation, is ever to obtain federal dollars to help pay for mass transit, we need to show a local source of funding, and the most realistic way of raising that amount of funding is through the GET. A county must approve an ordinance to levy the surcharge by December 31, 2005 and may not be levied prior to January 1, 2007. The bill repeals the funding mechanism in 2022.

The Honolulu Advertiser's Transportation Writer Mike Leidemann wrote a column that I believe adds to the dialog in a positive way ("When it comes to projects like rail transit, it's not all about you," Feb. 15, 2005). Leidemann offers a perspective behind the public policy of taxation and improving lives for all of Hawaii's people.

"The government does not collect taxes to make an individual life better. It is supposed to use the money to make everyone's lives better. As tax-paying citizens in a democracy, those of us who are better off have an obligation to help those with problems," Leidemann wrote.

"So when I got all those calls and emails last week from people saying they won't pay taxes for a project that won't help them directly, I wanted to point out to them: Who do you think helped pay for that nice wide highway out to Hawaii Kai that you enjoy? The people of Mililani. Who do you think helped fund that big freeway that speeds you back and forth across the Koolau? The people of Ewa Beach. Who do you think helps to pay for all those contraflow lanes that help get you around town? We do," Leidemann added.

Prior to making my decision to support this measure, I considered other funding options, which included raising the state fuel tax or raising property taxes in each county.

The state fuel tax is currently \$0.16 per gallon of fuel. According to the Department of Taxation (DOTAX), approximately 460 million gallons of fuel were sold in fiscal year 2004, equating to approximately \$73 million in taxes. To obtain the same amount as the increase in the GET, which DOTAX has estimated to be \$214 million state wide, the fuel tax on gasoline would need to be raised to \$0.47 per gallon, an increase of approximately 360 percent.

To obtain the same amount as the increase in the GET, property taxes in the City & County of Honolulu would need to be increased by 33 percent (\$148 million).

Additionally, I asked the Department of Business, Economic Development, and Tourism (DBEDT) for information about how much of the total GET collected is paid by visitors to Hawaii. DBEDT reported that in 2004, visitors accounted for approximately 30 percent of GET collected. In other words, out of the \$148 million from the GET increase on Oahu, nearly \$45 million will be paid, not by you or me, but by tourists and visitors.

Because either the gasoline tax or real property tax options would require a greater increase in taxes and because approximately one-third of the GET is paid by the tourists and visitors, I concluded that the GET proposal was best.

More recently, the Chamber of Commerce of Hawaii, whose mission is to work on behalf of its members and the entire business community to improve the state's economic climate and help businesses thrive, has come out to support this measure. In addition, the Building Trades Council also supports this funding mechanism.

Governor Linda Lingle, our entire Congressional delegation, the Legislature, Mayor Mufi Hannemann and the City Council all support this funding mechanism. Thus, I believe that there will never be another opportune time to consider a funding mechanism for mass transit for Oahu. A vote against this measure now would mean the demise of a mass transit system for Oahu forever.

As I reflect on the past 11 years in the Legislature I understand the concerns about a GET increase. Over my tenure as a state representative, I have voted against every single proposal to increase the GET. As recently as 2003, I voted against a proposal for increases in educational funding through a one percentage point increase in the GET. However, over the past decade, I have said that I would support the construction of a rail system for Oahu and if the best way to fund this rail system is through an increase in the GET, then I must support this proposal.

I love Hawaii. I love Aiea and Pearl City. But I despise the traffic that the residents of Aiea and Pearl City face each and every day. We call Aiea and Pearl City the "Heart of Oahu." We are the Heart of Oahu because the H-1 Freeway, the H-2 Freeway and the H-3 Freeway serve as our City's arteries. But, our arteries are clogged.

The rail transit system represents a much-needed triple bypass.

Rep. Takai is the Vice Speaker of the House of Representatives. He was first elected in 1994 and represents parts of the communities of Aiea and Pearl City."

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

"Thank you, Mr. Speaker. I will be voting no on this measure. After the list of supporters of this tax, those who are voting no against the tax increase may feel a little alone. But I

believe there are hundreds of thousands of people in the State of Hawaii who are opposed to a tax increase.

"I also took that pledge. I didn't take it lightly. But I believe in principle and overall in general, people are overtaxed. A couple of problems that I find with the bill, first of all, as I mentioned on an earlier reading, the county charge of the tax, their portion may be used in the County of Honolulu for mass transit, but it also may be used for any expenses associated with the Americans with Disabilities Act. That means, the cost that are incurred by fixing the sidewalks with ramps, this money will go toward that. My fear is that what I've seen quite often is money is collected for one purpose and it's spent on another. Now that's the County of Honolulu, Mr. Speaker.

"On the Neighbor Islands, the tax that is collected can be spent on anything. It can be spent on sidewalks, on road repairs, on traffic lights. There really is no discipline placed within the structure of the bill to force Neighbor Islands to spend it on mass transit. For us in this County of Honolulu, it actually allows for the money to be spent on mass transit or fixing the sidewalks, as far as the ADA goes.

"An earlier speaker, one of the speakers from Maui, mentioned that there's an aspect of statesmanship here. It was John Adam's who penned in his journal, he wrote himself the question: What is the difference between a statesman and a politician? And he answered it for himself, of course he desired to be a statesman and not a politician. Of course, a statesman he concluded, was somebody who did what was right no matter what. Whereas a politician of course looks at the polls. They are 'poll-atician'. They follow the polls and follow the opinions of others. Well he concluded that he would make his life goal to be a statesman.

"If I may go back to that era Mr. Speaker, because I take a lot of my insight and my direction from what I perceive to be the character of that era, the founding era of our Country, I would be so bold to say because the amount that we tax our people in the State of Hawaii and to the United States of America is many times greater than those Colonists were being taxed prior to their signing of the Declaration of Independence. If I may be so bold to say Mr. Speaker, the statesmen that founded this Country would die before they voted yes on this measure. And they did that Mr. Speaker, after signing the Declaration of Independence and writing their names beneath that line that said, 'And so with a firm reliance on divine Providence, we pledged our lives, our fortunes, and our sacred honor.' Many of the founders who signed the Declaration of Independence died fighting the oppressive taxes of the British Empire.

"Mr. Speaker, I would urge those people who stand on principle, and who desire to be statesmen and stateswomen this day, to vote against a tax increase."

At this time, the Chair stated:

"The Chair will recognize Representative Lee as the final speaker on this issue. I will allow all Members to submit written comments, for or against, at this time. Representative Lee, you will be the last to speak on this measure."

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

"Thank you, Mr. Speaker. I rise in support of House Bill 1309, a bill to authorize the general excise tax increase to fund public transit in the various counties. Mr. Speaker, House Bill 1309 will allow the citizens of each county to decide whether or not they wish to add a one-half percent surcharge onto the State general excise tax to fund transportation projects. Any county that does not believe its traffic congestion is acute enough to

justify further investment in transportation projects does not have to adopt the surcharge. Each county will have to pay for its own transportation improvements.

"In response to the Minority Leader's comments, there is no flaw in the bill. The plan is to ask for an appropriation of \$9.5 million for the Department of Budget and Finance to buy software and hardware next year.

"Mr. Speaker, the last scientific poll on the topic of traffic congestion ran in the *People's Pulse* in its Winter 2005 edition. The Hawaii Business Roundtable and the Pacific Resource Partnership published this newsletter. Statewide, 69 percent of the population felt that traffic during rush hour had gotten worse during the last year. Forty percent said it has gotten a lot worse. In the Ewa-Leeward area, 57 percent felt traffic had gotten a lot worse in just the last year.

"The *People's Pulse* story also did polling on traffic solutions. Statewide, 72 percent favored developing a rail system with 47 percent strongly in favor of rail. Statewide, a mere 13 percent strongly opposed rail. On Oahu, 52 percent strongly favored a rail system. Further more, 57 percent of Oahu residents are willing to have their taxes increased to build a rail system.

"There's strong public support for major investments in transportation and there is an increasing awareness that the enormity of our traffic problems will require some sacrifice on all of our parts.

"Mr. Speaker, the 13 percent minority who strongly oppose rail has made much of the cost associated with constructing a rail-based system. They 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 is a \$167 per person per year. These calculations were made before gas prices rose 17 percent over the last year.

"Much has been said about the regressivity of any surcharge a county might adopt and the effect this will have on lower income individuals. I'd like to make two points about this argument. First, if the county decides to raise the GET the full one-half percent, the average person would pay an additional \$105 per year as a result of the increase. This works out to an additional 29 cents per day for the average Oahu resident. Further, if your income is lower than average, you would pay less than the \$105 per year. In addition, visitors will pay 30 percent of the tax increase.

"Second, once a rail-based transportation system is in place, many residents, including lower income individuals would realize savings from its availability. Those who still choose to drive will spend less on gas than they would have if the rail-based system were not in place and will be able to spend more of their time working or spending time with their families. Those who choose to use this system will realize significant savings over and above the GET increase and fare to ride because they will be able to use their cars less.

"Mr. Speaker, according to the American Automobile Association, driving a midsize car 10,000 miles less a year saves \$2,165. In addition, paying parking at work will no longer be necessary which would save many people at least \$100 a month. Also most insurance companies give a car owner a lower rate if they do not drive to work. The total savings could be over \$3,500 a year. After subtracting the fare to ride the train and the GET increase, net savings could amount to \$1,900 per year. AAA calculates that a car cost \$5,312 a year to own and operate."

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

Representative Lee continued, stating:

"Thank you very much, Representative. If a family has more than one car and can sell one of them because one family member commutes on a train system instead of driving, the net savings could be over \$3,700 per year.

"A study by the Conservative Free Congress Foundation estimates that the monetary savings from rail transit to car drivers is actually greater than the monetary savings to transit users. This is due to the time saving drivers would experience because fewer cars would be on the road.

"Unfortunately, some people are forced to drive cars that are prone to breakdown and require repairs that owners cannot afford. A rail-based system with a monthly pass costing \$125 would also take a great deal of stress out of a person's financial life simply because of the certainty of price.

"During the debate about increased investment in transportation and the GET increase needed to pay for these investments, opponents have sometimes implied that every time the Legislature meets, we raise the GET and that is just nonsense. People tend to forget that the GET was first instituted in 1935 by a pro-business Republican Legislature and the rate has not been increased since the early 1960s. Moreover, the GET is one of the easiest and most cost-effective taxes to administer.

"Since I was elected to the House in 1996, the Legislature has voted twice to lower the GET rate and both 1999 and 2000, we voted to depyramid the GET. Overall the Legislature lowered the rated on intermediate transactions from 4 percent in 1999 to one-half percent today. That is a major depyramiding of the GET.

"Furthermore, in 1998, the Legislature voted to significantly decrease the income tax. Unfortunately, some seem to focus more attention on the rail GET increase than on the Legislature's overall record of tax reduction.

"Opponents of House Bill 1309 have repeated *ad nauseum* that Hawaii is the most heavily taxed state in the Union. That is of course not true. It is true that Hawaii comes in as the fourth most heavily taxed jurisdiction when combining State and local taxes in the latest CNN/*Money* survey. However, the CNN/*Money* survey like most surveys of this kind is based on the amount of tax paid per capita. This means that all of taxes paid by visitors are attributed to residents even though residents do not pay them. Hawaii has more visitors per capita than any other state in the Union. As a result, visitors pay 30 percent of the GET.

"In 2004, visitors paid \$544 million as a result of the GET. If you subtract that number from the total, Hawaii drops down the list significantly.

"It's also worth noting that in the CNN/*Money* survey, of 51 urban areas, Honolulu came in 32nd in terms of taxes paid. Large urban areas usually have higher taxes than suburban or rural areas because of the many expenses unique to urban areas. Honolulu does very well in comparison to other urban areas.

"Mr. Speaker, another criticism of House Bill 1309 has been repeated over and over, is that a GET increase would harm the economy. Once again, the critics are only looking at half the equation. Traffic congestion is the far greater danger to economic growth. The Chamber of Commerce of Hawaii understands this and as a result, supports this bill. In a recent

statement of the Chamber notes that traffic congestion, 'has a negative impact both on our economy and the quality of life we enjoy.'

"Mr. Speaker, the National Association of Realtors understands the negative effects traffic congestion has on the economy and on its industry. To quote from the National Association of Realtor's website, 'transportation is important to real estate interest as well as to the overall well being of our communities. Transportation improvements have a large impact on property value. Also, inadequate transportation results in traffic congestion which is a factor in citizen acquisition to growth and development.'"

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

Representative Lee continued, stating:

"Thank you. Mr. Speaker, because of the importance of transportation to the industry, the National Association of Realtors supports a federal tax increase dedicated to transportation improvement. Despite the howls of protest from the opponents of rail, construction of a rail-based system will be a great benefit to our economy. It will create jobs for local workers and will facilitate the movement on goods and people around Oahu.

"Traffic is slowly strangling the economy of the State. And the problem is not limited to Oahu. Hawaii, Maui, Kauai Counties also suffer from severe traffic condition. This bill is the first step toward ending that continuing drag on our economy.

"In addition, the bill will help agricultural and park land open by directing development along the line. Today, the Legislature will make a very important decision about the future of Hawaii and Oahu and the entire State. I know that voting for a tax increase, even a tax increase for a specific popular project is always difficult. But I also know that I do not want to be sitting in traffic for the rest of my life and I certainly do not want my kids and my grandkids and my neighbors and my friends to be stuck in that same traffic. For our quality of life and for the quality of life of future generations, we need to enable the counties to make the investment today that will reduce traffic congestion tomorrow. Thank you very much, Mr. Speaker."

At this time, the Chair stated:

"Members, we've had a lot of comments. The Chair will entertain any written comments to be inserted into the Journal."

At 10:25 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 10:26 o'clock p.m.

At this time, the Chair stated:

"In conferring with the Representative from Kapolei, the Chair will allow the Representative from Kapolei to state his position verbally on the Floor of the House and I will allow one member from the Majority to also state their position. That will be it. Then all comments will be inserted in the Journal, to be fair to all of you."

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

"Thank you, Mr. Speaker. I've been listening to the debate honestly because I am on the borderline which way to go on this. I don't want my Minority Leader to be hanging or anybody else. I am from Kapolei and I can tell you, my constituents are saying they want rail or they want something."

The Chair addressed Representative Moses, stating:

"Representative Moses, what is your position at this point?"

Representative Moses responded, stating:

"My position at this point is I really hate this tax, Mr. Speaker. I will be in opposition at this point. I might talk myself into it. I swear to God, for all of you Members, I've really been teetering on the borderline here.

"I do not like this tax. I think it's the most regressive tax we could have, but I also believe in homerule. And I honestly believe that this is giving the county the authority they should have to levy the taxes and to make their own decisions. I'm also a member of the Oahu Metropolitan Planning Organization."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, point of order. Is he speaking for, or against, or halfway?"

The Chair stated:

"He has stated for the record, he is speaking in opposition. Please proceed Representative Moses. I'm sorry for the interruption."

Representative Moses continued, stating:

"That's perfectly alright, Mr. Speaker. I just want the Speaker Emeritus to know that I listened carefully to his participation a little while ago and I'm still thinking about it. And he might persuade me yet even though he's not still talking, because I'm still thinking about it."

The Chair responded, stating:

"You have stated for the record on the Floor of this House that you are in opposition."

Representative Moses continued, stating:

"That's correct, Mr. Speaker. I'm also a member of the Oahu Metropolitan Planning Organization. I know that the County must have the ability to come up with a funding source in order to request the federal funds. I've heard that from the federal people that were there at our meetings. Also, there's been a great talk about rail is no good, rail doesn't work. Rail costs money. Well it does work to the extent that it's designed to work. It won't alleviate all the traffic. With rail, we're still going to have congestion on the freeway, but it's going to make it a little less congestion.

"I heard all this talk about it won't pay for itself. We're going to have to keep putting in money, maintenance and subsidies and such. Well of course, all rail is subsidized. Our buses are subsidized. Everything costs money.

"But look at the cost. We've already heard from the Representative from Mililani. We pay more in gas now if you live out my way. We pay more gas than we will be paying for an increase to pay for the rail. We also have wear and tear. We have the potholes because this Legislature keeps raiding the

funds. Of course now we've raided the fund even more, the Highway Fund, we gave it to the counties so they can fix their roads. We still have to fix the State roads. Also there's the time that we lose everyday, going back and forth.

"We've tried to do things from the State level. We're trying to widen the freeway. We're moving the Kapolei Judiciary Complex. Building the West Oahu Campus. Lot of jobs out there now. We still have congestion.

"So again, I look at the right to grant the counties to proceed. Again, I hear all the people say that there's no plans, there's no plans. Well there are plans. Those of us who have been involved in the transportation planning for a number of years have at least the conceptual plans. There are plans from ten years ago. They go at least from Leeward Community College to Iwilei. But we have newer conceptual plans as of the last year or so that we've worked on. The idea is to use the State right of way and elevate a rail along those rights of way. And go from Kapolei to Iwilei.

"I have a bigger plan in mind. I see rail eventually going from Waianae to the UH Manoa and on to Waikiki, and then we can talk about some of the other spurs that Speaker Emeritus had talked about, and he'll still be here to make sure that we do them properly.

"Any rail has to interface with other modes of transportation. I believe we should have parking lots where we can drive to the rail station. A lot of cities are built so you can walk to the rail stations. Unfortunately we didn't build our communities that way. So we're still going to have to probably drive to them. Take the bus to them. And have 'park and rides' near the stations. Where would you put the stations? Again, we're going to have an elevated rail, maybe we elevate the stations."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Moses continued, stating:

"I'm sorry to ask the Members to bear with me like this, but this is very, very difficult for me. Again, even if it takes a small amount off the freeway, and the ferry takes a small amount, and the other things we've done all take a small amount, it can add up to a significant difference. And that's why, despite the cost, I do support rail. I wish people would separate the funding mechanism from the rail issue. They're two separate issues. Unfortunately, we've tied ourselves into what I think is a horrible funding mechanism.

"We talked about the 10 percent fee to the State and the flaw that that may present. We talked about having everybody pay for something for us in the Leeward area, Waianae area, but we all paid for H-3."

Representative Takai rose to a point of order, stating:

"Point of order, Mr. Speaker. Thank you, Mr. Speaker. I believe you gave the current speaker time to give brief, brief comments. I think that he acknowledges that we've talked about this and we talked about that, can the current speaker wrap it up please? Thank you."

The Chair then stated:

"Representative Moses would you please summarize your comments at this point?"

Representative Moses continued, stating:

"Well, I really believe that we should look at TAT or give one-half of our percent to the counties. We have 4.167 percent. Give them a half percent, we still have three and two-thirds percent, you can call three and two-thirds percent, four percent. We wouldn't lose a thing and the counties would still have the half percent.

"I am saddened that it says they can do it to increase the funding so they can have mass transit. It does not say rail. Mass transit, I hope that doesn't mean a bus.

"So anyways, my heart says one thing. My head says the other. And I don't know which one is saying which because it goes back and forth. My heart feels one way one minute, and the other way another. My head does too. All I can say is that *ma aina manao*, and I have to remain in opposition."

The Chair then addressed Representative M. Oshiro, stating:

"Representative Marcus Oshiro, would you like to represent the Majority Caucus? Or would you like to call for the question?"

At this time, Representative M. Oshiro called for the previous question.

At 10:34 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:35 o'clock p.m.

At this time, the Chair stated:

"The Chair will recognize Members of the House now in addressing Conference Committee Report No. 186 for written comments, for or against to be put into the Journal."

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

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

Representative Chong rose in opposition to 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 I rise in opposition. I know I have voted for this bill, with reservations at times, throughout the process. I believe that while this is not the perfect option, it is the option that we have in front of us at this time.

"I support the concept of mass transit. I have some concerns on the focus of the route, but nevertheless we must do something. Should we wait again, we will be here in another 6 years, when the federal transit bill comes before Congress, and we will still be stuck in gridlock, and a worse one at that.

"However I am here to represent my district's concerns, and those lie in the issue of taxation and the affect on our district. I have received many calls, emails and faxes from constituents and I believe I am here to represent them. Therefore I must vote no on this bill."

Representative Berg rose in opposition to 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:

"Thank you, Mr. Speaker. I rise in opposition to this bill. I originally was one of us who co-sponsored the bill because authorization from the Legislature is required to enable counties to have the ability to levy a surcharge on State tax for their transportation needs.

"While I personally believe in our State responsibility to enable counties the discretion to determine the use of their funds collected through tax dollars, unfortunately, the bill which emerged at the end of Session has morphed in such a way as to feel as we are being held hostage to constituents' beliefs that by fulfilling our statutory mandate, we are, in fact, agreeing – if not endorsing and sanctioning – a tax increase by the counties.

"I am voting against this measure because, I am convinced that we do need to question "home rule" by counties

"Mr. Speaker, you know that I am an educator. I love learning for the sake of learning and I enjoy engaging in spirited conversation with others who are interested in seeking solutions to the many issues of society that continue to challenge us.

"As a freshman, Mr. Speaker, one of the things I was reminded about during this Session, is that, just because we are American citizens, doesn't mean that we are automatically entitled -- or have a right -- to an unexhaustible supply of fresh water, clean air; access to quality, universal health care; excellent schools, safe neighborhoods, good roads and free-flowing freeways, gainful employment with a living wage -- just being born 'American' doesn't give us that privilege.

"What being part of the American constitutional democracy means is that we have the right and therefore, the obligation and responsibility to become involved in the process of addressing the needs we have for quality health care, excellent schools, safe neighborhoods, a functioning transportation system and gainful employment. We are entitled – no, Mr. Speaker, expected – to participate in the governing process. That's why we're all here today. Because we have responded to the mandate of the people to work on their behalf.

"All the aspects of a quality life that we feel, as citizens of America, we are entitled to – come with a price tag. It costs to have systems that provide services so we have fresh drinking water, sanitary living conditions, safe neighborhoods, a response to crime, access to education for our children, maintained roads. It costs to do business – it costs to be in business – it costs to enjoy what businesses can offer. There is no free lunch, Mr. Speaker. Everything has a price – either up front or later. It is the law of the Universe – to give and to get; the ebb and flow of energy – be it money, time, or tangible goods.

"Taxing citizens is a method through which a government enables a citizen to participate in the process of getting what they want – just like voting.

"Mr. Speaker, my constituents are worried and skeptical that their interests – and voices – will be disregarded by the counties. I believe that that is the bigger issue. I believe that we, as State government officials, have to be more discerning regarding the extent and evidently, the authority, that we entrust to the counties. The people have spoken – to me, at least – about how they feel that they cannot trust those in leadership

roles in the counties to listen to their voices and be cognizant of the needs of the greater community in their decision-making.

"During this Session, Mr. Speaker, we have seen many bills which offer the counties more leeway and jurisdiction regarding land use, zoning, taxes, development, etc. The people have spoken Mr. Speaker – at least the people in my district. They are requesting that we, the Legislature, be attentive to the degree of authority we give to the counties. Interestingly enough, I find myself concurring with that concern, inasmuch as I believe that our State fiduciary responsibility is to engender more freedom, competency, and responsiveness at the county levels.

"I concur with my constituents in their deep concern about how county governments make decisions – as I have observed the manner in which county planning departments and officials "interpret", shall we say, zoning ordinances. I have seen how there is a compelling call for an articulated vision about the economic direction of our State so that counties can make decisions coherently – they certainly can be guided into responding more congruently and competently. The capability is there – it is a question of political will, of course, and direction from the State.

"We have good people working in all levels of our government, Mr. Speaker. The issue with this bill is, evidently, that there is a lack of trust with the county councils by the people who elect their members ... this legislation is less about a fixed rail system, and more about trusting elected officials, the process of citizen engagement and being creative about how to address our traffic and congestion issues. This bill, Mr. Speaker, like so many others, lends itself to misrepresentation of the real issues underlying the need for proposed legislation.

"I am an eternal optimist, Mr. Speaker. However, we will not find a permanent solution to relieving road congestion and "traffic" as long as we allow the importation of 4,000 cars a month and send only 2,000 back. We will not find a permanent solution to the condition of our roads if we insist on repairing them only during certain hours because it is inconvenient for us to have roads closed. We will not find a permanent solution to our transportation needs if we do not follow a plan for development and accommodating the housing needs of our island – and State.

"We will, however, find solutions to traffic congestion if we think more creatively and boldly about how and when people need to be in the same places for work. We might want to rethink – as a society, not just Legislature – how some of the required work can be accomplished from locations other than a traditional office, or in downtown or Kapolei.

"In closing, Mr. Speaker, I oppose this bill for a variety of reasons – primarily because that there are too many unaddressed questions, too much fear motivating the need to act so 'quickly,' and a lack of due diligence in taking the issue to the public for deliberation and discourse. Thank you."

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

"In opposition, strong opposition with request for written comments."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I offer the column of Lowell L. Kalapa in opposition to HB 1309.

"Weekly Commentary
For The Week of May 1, 2005

Quest for Affordable Housing Disingenuous
Lowell L. Kalapa

Instead of lowering the cost of living, elected officials at all levels - federal, state, and county - are pushing to raise the general excise tax which, in turn, will do nothing but increase the cost of living in Hawaii.

The increase is being "sold" on the premise that it is needed to fund traffic gridlock relief for Honolulu and provide transportation improvements on the Neighbor Islands. It is being pushed because our congressional delegation doesn't want to be "embarrassed" in requesting federal funding only to have the local government "back out" at the last minute. At the state and local level, the push for the transit system in Honolulu is being rationalized as the "only" solution for traffic gridlock.

And through this all, not one word has been said about the fact that there is no plan on the table as to what this traffic solution for Honolulu will look like. The terms light rail, rapid transit and fixed rail are being bantered about as if they are some sort of magic elixir that will solve Honolulu's traffic woes. Yet students of transit know that these systems are mutually exclusive, with one looking vastly different from the other:

There has been talk of the line running from Kapolei to Iwilei, yet there has yet to be a map of the route line or for that matter where the stations will be. Without knowing where the line will run or the location of the stations, it is nearly impossible to guess the cost of the land that will be needed. Will the project require paying \$100 or \$500 a square foot for the land under the stations let alone the cost per square foot to build the station? Indeed, the taxpayer has no idea of what technology will be employed be it heavy rail like the Metro system in Washington, D.C. or the newest technology of Maglev being tried out in the new Nagoya line.

What taxpayers, and especially businesses, know is that raising the general excise tax will increase prices of everything consumed in the state. Because business-to-business transactions are taxed, the cost of the tax at the retail rate will be folded into the operating costs of businesses and tacked on the goods and services sold by businesses. And as we have heard time and time again, businesses don't pay taxes, only people pay taxes. The cost of all taxes, including the general excise tax, has to be recouped by the business if that business wants to stick around in business next year.

So, instead of making Hawaii a more affordable place to live, elected officials have decided that traffic is all that high of a priority because they will just merely raise the general excise tax rate to get the money to pay for some sort of transit system. If it is of such a high priority, knowing that Hawaii is not only a highly taxed state but also an expensive place to live and do business, those elected officials should take it out of the existing resources of federal, state and local government.

So much for all this talk about making housing more affordable, about attracting our brightest and best to come back to Hawaii, or about creating high paying jobs for everyone. No, our elected officials have decided to turn up the tax heat even more. Solving Honolulu's traffic does not need a tax increase, it just needs some creativity and ingenuity, something which appears to be lacking in our elected officials.

Lowell Kalapa is the President of the Tax Foundation of Hawaii. Mr. Kalapa's commentary is printed each week in the *Maui News*, *West Hawaii Today*, *Garden Isle News*, and the *HawaiiReporter.com*.

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:

"I rise with deep reservations on this measure. I would have preferred a different means of funding alternative transportation our State. The State should never have allowed the circumstances to arise which put government in the position to raising the GET to implement much needed transportation changes. However the need for mass transit is great with consideration of the great growth we are seeing in the Leeward area, as well as the need to give our citizens an alternative to the automobile. Due to the concerns over quality of life, to include the environment, increase in growth and most importantly the intolerable gridlock we are experiencing, I vote in support of this measure though with deep reservations, and reluctantly due to the costs associated with it."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 32 ayes to 19 noes, with Representatives Berg, Carroll, Chong, Finnegan, Green, Halford, Hiraki, Luke, Marumoto, Meyer, Moses, Nishimoto, Pine, Saiki, Stonebraker, Tanaka, Thielen, Wakai and Waters voting no.

At 10:45 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1580, SD 1, HD 1, CD 1
 S.B. No. 1889, SD 1, HD 2, CD 1
 H.B. No. 278, HD 1, SD 1, CD 1
 H.B. No. 460, HD 2, SD 1, CD 1
 H.B. No. 1393, HD 2, SD 1, CD 1
 H.B. No. 1763, HD 2, SD 2, CD 1
 H.B. No. 1745, HD 1, SD 2, CD 1
 H.B. No. 844, HD 1, SD 2, CD 1
 H.B. No. 1300, HD 2, SD 2, CD 1
 H.B. No. 1304, HD 1, SD 2, CD 1
 H.B. No. 1051, HD 2, SD 2, CD 1
 H.B. No. 115, HD 1, SD 2, CD 1
 H.B. No. 160, HD 2, SD 1, CD 1
 H.B. No. 393, HD 1, SD 1, CD 1
 H.B. No. 1017, HD 3, SD 2, CD 1
 H.B. No. 1548, HD 1, SD 1, CD 1
 H.B. No. 1640, HD 3, SD 2, CD 1
 S.B. No. 1352, SD 1, HD 1, CD 1
 S.B. No. 1729, SD 2, HD 2, CD 1
 S.B. No. 1137, SD 1, HD 1, CD 1
 S.B. No. 1132, SD 2, HD 1, CD 1
 S.B. No. 1257, SD 2, HD 2, CD 1
 S.B. No. 179, SD 3, HD 2, CD 1
 H.B. No. 384, HD 2, SD 2, CD 1
 H.B. No. 1378, HD 1, SD 2, CD 1
 H.B. No. 1733, HD 2, SD 2, CD 1
 H.B. No. 1747, HD 1, SD 1, CD 1
 H.B. No. 1309, HD 2, SD 2, CD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1785) recommending that S.B. No. 1419, 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. 1419, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC

VIOLENCE," 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. 1786) recommending that S.B. No. 1478, 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. 1478, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," 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. 1787) recommending that S.B. No. 61, 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. 61, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES," passed Third Reading by a vote of 50 ayes, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1788) recommending that S.B. No. 620, 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. 620, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," passed Third Reading by a vote of 50 ayes, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1789) recommending that S.B. No. 1127, 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. 1127, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," passed Third Reading by a vote of 50 ayes, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1790) recommending that S.B. No. 1345, 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. 1345, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Luke and Saiki voting no, and Representative Halford being excused.

At 10:45 o'clock p.m., the Chair noted that S.B. Nos.: 61, SD 1; 620, SD 1; 1127, SD 1; and 1345, SD 1, passed Third Reading.

SUPPLEMENTAL CALENDAR #1

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1791) recommending that S.C.R. No. 17, SD 2, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 17, SD 2, be adopted, seconded by Representative B. Oshiro.

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

"Thank you. Very briefly, Mr. Speaker. I have some reservations about the measure. I don't know how we can make a uniform statewide building code. I don't know that much about the problem I guess. But it just seems that we have different islands, different needs, different areas, on different islands and I don't know how we can standardize at all. Just like the Villages of Kapolei, you have to have green roofs. Do we want to say that for everybody? I don't know. 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.C.R. No. 17, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO CONSIDER THE ESTABLISHMENT OF A UNIFORM STATEWIDE BUILDING CODE," was adopted, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1792) recommending that S.C.R. No. 51, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 51, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW AND ANALYSIS OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS," was adopted, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1793) recommending that S.C.R. No. 93, SD 2, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 93, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS STABILIZATION SERVICES," was adopted, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1794) recommending that S.C.R. No. 109, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 109, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE EDUCATIONAL MATERIALS AVAILABLE, IN WRITTEN AND ELECTRONIC FORM, ON THE PREVENTION, DIAGNOSIS, AND TREATMENT OF HEPATITIS C TO PHYSICIANS, OTHER HEALTH CARE PROVIDERS, VETERANS, AND OTHER PERSONS AT HIGH RISK FOR

HEPATITIS C," was adopted, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1795) recommending that S.C.R. No. 173, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 173, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN DEVELOP ENERGY EFFICIENT DESIGN STANDARDS FOR NEW AND RETROFITTED BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was adopted, with Representative Halford being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1796) recommending that S.C.R. No. 197, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 197, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"May I make a brief statement in support. I don't personally support medical marijuana. I've never prescribed it. But I actually think that anytime we can look into some kind of treatment in the form of a study or to discuss it and find out if it could help people who are taking chemotherapy, it's probably a good idea. So I think for the sake of people who are critically ill, we ought to take a look at it. 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.C.R. No. 197, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A MEDICAL MARIJUANA WORKING GROUP TO MAKE RECOMMENDATIONS TO IMPROVE HAWAII'S MEDICAL MARIJUANA PROGRAM," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stonebraker voting no, and with Representative Halford being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1797) recommending that S.C.R. No. 49, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 49, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. The Department of Commerce and Consumer Affairs expressed opposition to this measure based on the exclusion of one of the important parties that belongs on that group. Thank you."

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 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 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 49, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE ON ENFORCEMENT OF THE ELECTRICAL AND PLUMBING LICENSING LAWS," was adopted, with Representatives Ching, Finnegan, Fox, Meyer, Moses, Pine and Stonebraker voting no, and with Representative Halford being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1798) recommending that S.C.R. No. 76, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 76, SD 1, be adopted, 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 Fox rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Briefly Mr. Speaker, the hour is late. We have a courageous group in Washington that is trying to reform the civil service system. The purpose of this resolution is not to deal with the courageous effort to change the social security system, but rather to say, the system that is going to start going broke in 12 years is perfectly alright and we don't need to make any changes. This is a big, big mistake. It's tough business changing social security but it's where we should be. Thank you."

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

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

"Thank you, Mr. Speaker. I vote to save social security. I'm voting no on the resolution."

Representative Marumoto 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 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.C.R. No. 76, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE PRIVATIZATION OF SOCIAL SECURITY AND URGING HAWAII'S CONGRESSIONAL DELEGATION TO REJECT PROPOSED CHANGES TO THE SOCIAL SECURITY SYSTEM," was adopted, with Representatives Ching, Finnegan, Fox, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and with Representative Halford being excused.

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 certain House bills. (Representative Halford was 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 the following House bills, seconded by Representative B. Oshiro and carried. (Representative Halford was excused.)

H.B. No. 85, HD 2 (SD 2)
H.B. No. 450, HD 2 (SD 2)
H.B. No. 1029 (SD 2)
H.B. No. 1740, HD 1 (SD 2)

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried. (Representative Halford was excused.)

H.B. No. 20, SD 1
H.B. No. 161, HD 1, SD 1
H.B. No. 1749, HD 2, SD 2

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

H.B. No. 20, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 20, on the following showing of Ayes and Noes:

Ayes, 2 (Waters and Chong). Noes, none. Excused, 1 (Ching).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 20 and H.B. No. 20, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 50 ayes with Representative Halford being excused.

H.B. No. 161, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 161, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hiraki, Herkes and Schatz). Noes, none. Excused, 1 (Stonebraker).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 161, H.D. 1 and H.B. No. 161, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Final Reading by a vote of 50 ayes with Representative Halford being excused.

H.B. No. 1749, H.D. 2, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1749, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Waters, Luke and Chong). Noes, none. Excused, 1 (Ching).

Representative M. Oshiro moved that H.B. No. 1749, HD 2, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

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

"I will be voting no on this primarily because of the title. I don't have the bill in front of me but it relates to criminal offenses and it decriminalizes non-serious offenses. And just going to vote no. Thank you."

Representative Meyer rose to a point of inquiry, stating:

"Mr. Speaker, just a point of inquiry. I wasn't sure, if we have pink slips on these, when do we vote on them?"

The Chair then stated:

"We are going to be voting on them right now. Representative Blake Oshiro will record the Majority Caucus votes, and you will be recording the Minority Caucus votes. And the Chair will allow Members to cast their votes."

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1749, H.D. 2 and H.B. No. 1749, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Meyer, Stonebraker and Thielen voting no, and with Representative Halford being excused.

At 10:55 o'clock p.m., the Chair noted that H.B. Nos. 20, S.D. 1; 161, H.D. 1, S.D. 1; and 1749, H.D. 2, S.D. 2, had passed Final Reading.

**DISPOSITION OF MATTERS
PLACED ON THE CLERK'S DESK**

Representative M. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representative Halford was excused.)

H.C.R. No. 3, HD 1 (SD 1)
H.C.R. No. 10, HD 1 (SD 1)
H.C.R. No. 67 (SD 1)
H.C.R. No. 200, HD 1 (SD 1)
H.C.R. No. 222, HD 1 (SD 1)

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 3, HD 1, SD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 3, HD 1, and H.C.R. No. 3, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO SUPPORT FEDERAL POLICIES DESIGNED TO ELIMINATE HOMELESSNESS IN THE UNITED STATES," was Adopted, with Representative Halford being excused.

H.C.R. No. 10, HD 1, SD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 10, HD 1, and H.C.R. No. 10, HD 1, SD 1, entitled: "HOUSE CONCURRENT REQUESTING THE EMERGENCY CONTRACEPTION INTERAGENCY WORK GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," was Adopted, with Representative Halford being excused.

H.C.R. No. 67, SD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 67, and H.C.R. No. 67, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF ATHLETIC HEALTH CARE TRAINERS," was Adopted, with Representative Halford being excused.

H.C.R. No. 200, HD 1, SD 1

Representative M. Oshiro moved that H.C.R. No. 200, HD 1, SD 1, be adopted, seconded by Representative B. Oshiro.

Representative Evans rose, stating:

"Mr. Speaker, just one quick note. There was a lot of support in the Water, Land, & Ocean Resources Committee to look at the House Draft. It's just unfortunate we passed it over to the Senate and now we're only auditing the Division of Conservation and Resources Enforcement instead of the entire Department. So just wanted to say that. Thank you."

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 200, HD 1, and H.C.R. No. 200, HD 1, SD 1, 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 Adopted, with Representative Halford being excused.

H.C.R. No. 222, HD 1, SD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 222, HD 1, SD 1, and H.C.R. No. 222, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ACTIVELY WORK WITH THE RESIDENTS IN UPCOUNTRY MAUI TO ADDRESS THEIR CONCERNS AND TO REVIEW THE DEPARTMENT'S WATER QUALITY STANDARDS AND PRACTICES IN LIGHT OF CONTINUING CONCERNS REGARDING DETERIORATING WATER QUALITY IN UPCOUNTRY MAUI," was Adopted, with Representative Halford being excused.

At 10:58 o'clock p.m., Representative Caldwell requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:12 o'clock p.m.

At this time, the Chair discharged all House conferees for the following House Concurrent Resolutions:

H.C.R. No. 100, HD 1, SD 1
H.C.R. No. 229, HD 1, SD 1

The Chair then stated:

"These measures are hereby returned to this Chamber from Conference Committee for further disposition by this Body. What I am doing this evening is discharging all House Conferees previously appointed to these House Concurrent Resolutions, since the Senate did not appoint Senate Conferees."

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 certain House Concurrent Resolutions. (Representative Halford, Hiraki, Nakasone, Saiki, Schatz, Souki and Yamane 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 moved to agree to such amendments for the following House Concurrent Resolutions, seconded by Representative B. Oshiro.

H.C.R. No. 100, HD 1 (SD 1)
H.C.R. No. 229, HD 1 (SD 1)

At 11:15 o'clock p.m., Representative Arakaki requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:19 o'clock p.m.

At this time, the Chair announced

"We are on the motion for the reconsideration of action previously taken and to agree to the amendments to the following House Concurrent Resolutions as referred on your White Action Sheets. Representative Marcus Oshiro, I think we've already made that motion, and Representative Blake Oshiro, have you second that motion? You both have? Now we are in discussion before we called for the recess.

"Let me state for the record Members, that the recess was in regards to page 3, House Concurrent Resolution 100, which we will not address for Final Adoption. But we're just going to go through this process of the motion to reconsider and the motion to agree."

The motion was put to vote by the Chair and carried, and the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and moved to agree to such amendments for the following House Concurrent Resolutions. (Representatives Halford, Hiraki, Luke, Nakasone, Saiki, Schatz and Souki were excused.)

FINAL ADOPTION**H.C.R. No. 229, H.D. 1, S.D. 1:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 229, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COORDINATE STUDIES, WITH THE ASSISTANCE OF THE DEPARTMENT OF HEALTH, 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 ANY APPROPRIATE GOVERNMENT AND PRIVATE SECTOR RESPONSES TO THE ON-CALL CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," was Adopted, with Representatives Halford, Hiraki, Luke, Nakasone, Saiki, Schatz and Souki being excused.

COMMITTEE REASSIGNMENTS

At this time, the Chair announced that S.B. No. 535, SD 2 would be re-referred solely to the Committee on Labor and Public Employment.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. I do want to announce that tomorrow is Historic Preservation Day. Some may question why is it that we have Historic Preservation Day this late in Session when it's really a hectic time. But it's Historic Preservation Week right now, and Historic Preservation Month nationally. So we'll have our event tomorrow.

"I noticed that there were about half a dozen bills tonight that we spoke on related to historic preservation, from the Pearl Harbor Trail to highways. So a number of those organizations will be available and eager to speak with you in Conference Rooms 325 and 329. There will be lunch for legislators and participating organizations. I want to invite everyone to come and learn a little more about what makes our State so unique."

Representative Berg: "Thank you, Mr. Speaker. I'd just like to make one last announcement and say that there's still room for the House party tomorrow evening. So if you are just dying to come, please give your checks to either Representative Yamashita or Representative Tsuji. Thank you."

ADJOURNMENT

At 11:24 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 10:00 o'clock a.m., Thursday, May 5, 2005. (Representatives Halford, Hiraki, Luke, Nakasone, Saiki, Schatz and Souki were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 3, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the following bills have this day passed Final Reading in the House of Representatives:

HB No.19, HD 2, SD 2, CD 1
 HB No.100, HD 1, SD 1, CD 1
 HB No.109, HD 1, SD 2, CD 1
 HB No.115, HD 1, SD 2, CD 1
 HB No.125, HD 2, SD 1, CD 1
 HB No.140, HD 1, SD 2, CD 1
 HB No.150, HD 2, SD 2, CD 1
 HB No.160, HD 2, SD 1, CD 1
 HB No.162, HD 2, SD 1, CD 1
 HB No.164, HD 1, SD 1, CD 1
 HB No.168, HD 2, SD 1, CD 1
 HB No.260, SD 1, CD 1
 HB No.263, SD 1, CD 1
 HB No. 278, HD 1, SD 1, CD 1
 HB No.283, HD 1, SD 1, CD 1
 HB No.295, HD 2, SD 2, CD 1
 HB No.320, HD 1, SD 1, CD 1
 HB No.325, SD 2, CD 1
 HB No.332, HD 1, SD 2, CD 1
 HB No.384, HD 2, SD 2, CD 1
 HB No.390, HD 1, SD 2, CD 1
 HB No.393, HD 1, SD 1, CD 1

HB No.408, HD 2, SD 1, CD 1
 HB No.422, HD 2, SD 2, CD 1
 HB No.438, HD 1, SD 2, CD 1
 HB No.460, HD 2, SD 1, CD 1
 HB No.477, HD 1, SD 1, CD 1
 HB No.500, HD 2, SD 2, CD 1
 HB No.502, HD 1, SD 2, CD 1
 HB No.551, HD 1, SD 2, CD 1
 HB No.553, HD 1, SD 1, CD 1
 HB No.606, HD 1, SD 2, CD 1
 HB No.631, HD 1, SD 2, CD 1
 HB No.712, HD 2, SD 2, CD 1
 HB No.769, HD 3, SD 2, CD 1
 HB No.785, HD 1, SD 1, CD 1
 HB No.806, HD 1, SD 1, CD 1
 HB No.841, SD 2, CD 1
 HB No.843, HD 1, SD 1, CD 1
 HB No.844, HD 1, SD 2, CD 1
 HB No.852, HD 2, SD 2, CD 1
 HB No.864, SD 1, CD 1
 HB No.895, HD 2, SD 2, CD 1
 HB No.931, HD 2, SD 2, CD 1
 HB No.1017, HD 3, SD 2, CD 1
 HB No.1051, HD 2, SD 2, CD 1
 HB No.1201, HD 2, SD 2, CD 1
 HB No.1202, HD 2, SD 2, CD 1
 HB No.1224, SD 1, CD 1
 HB No.1235, HD 1, SD 1, CD 1
 HB No.1236, SD 1, CD 1
 HB No.1238, HD 1, SD 2, CD 1
 HB No.1276, HD 3, SD 1, CD 1
 HB No.1295, HD 2, SD 2, CD 1
 HB No.1300, HD 2, SD 2, CD 1
 HB No.1301, HD 1, SD 2, CD 1
 HB No.1304, HD 1, SD 2, CD 1
 HB No.1308, HD 1, SD 2, CD 1
 HB No.1309, HD 2, SD 2, CD 1
 HB No.1317, HD 1, SD 1, CD 1
 HB No.1320, HD 1, SD 1, CD 1
 HB No.1378, HD 1, SD 2, CD 1
 HB No.1393, HD 2, SD 1, CD 1
 HB No.1430, HD 2, SD 2, CD 1
 HB No.1462, SD 1, CD 1
 HB No.1476, HD 1, SD 1, CD 1
 HB No.1528, HD 2, SD 2, CD 1
 HB No.1548, HD 1, SD 1, CD 1
 HB No.1550, HD 1, SD 1, CD 1
 HB No.1554, HD 2, SD 2, CD 1
 HB No.1555, HD 1, SD 1, CD 1
 HB No.1556, HD 1, SD 1, CD 1
 HB No.1597, SD 1, CD 1
 HB No.1599, SD 1, CD 1
 HB No.1608, HD 1, SD 2, CD 1
 HB No.1614, HD 1, SD 2, CD 1
 HB No.1640, HD 3, SD 2, CD 1
 HB No.1641, HD 1, SD 2, CD 1
 HB No.1657, HD 1, SD 1, CD 1
 HB No.1659, HD 1, SD 1, CD 1
 HB No.1668, SD 1, CD 1
 HB No.1672, SD 1, CD 1
 HB No.1709, SD 1, CD 1
 HB No.1733, HD 2, SD 2, CD 1
 HB No.1745, HD 1, SD 2, CD 1
 HB No.1747, HD 1, SD 1, CD 1
 HB No.1750, SD 2, CD 1
 HB No.1758, HD 1, SD 1, CD 1
 HB No.1763, HD 2, SD 2, CD 1
 SB No.3, SD 2, HD 2, CD 1
 SB No.27, SD 1, HD 1, CD 1
 SB No.55, SD 1, HD 2, CD 1
 SB No.76, SD 1, HD 1, CD 1
 SB No.77, SD 1, HD 1, CD 1

SB No.116, SD 2, HD 2, CD 1
 SB No.117, HD 2, CD 1
 SB No.118, SD 2, HD 2, CD 1
 SB No.121, HD 1, CD 1
 SB No.122, SD 1, HD 3, CD 1
 SB No.179, SD 3, HD 2, CD 1
 SB No.212, SD 2, HD 2, CD 1
 SB No.294, SD 3, HD 1, CD 1
 SB No.459, SD 2, HD 1, CD 1
 SB No.556, SD 2, HD 2, CD 1
 SB No.568, SD 1, HD 2, CD 1
 SB No.617, SD 1, HD 1, CD 1
 SB No.639, SD 2, HD 1, CD 1
 SB No.669, SD 2, HD 1, CD 1
 SB No.673, SD 2, HD 2, CD 1
 SB No.682, SD 2, HD 3, CD 1
 SB No.693, SD 1, HD 1, CD 1
 SB No.700, SD 1, HD 1, CD 1
 SB No.702, SD 2, HD 1, CD 1
 SB No.708, SD 2, HD 2, CD 1
 SB No.738, SD 1, HD 1, CD 1
 SB No.754, SD 1, HD 1, CD 1
 SB No.761, SD 2, HD 1, CD 1
 SB No.791, SD 2, HD 2, CD 1
 SB No.797, SD 1, HD 1, CD 1
 SB No.802, SD 2, HD 1, CD 1
 SB No.807, SD 1, HD 1, CD 1
 SB No.813, SD 2, HD 2, CD 1
 SB No.817, SD 2, HD 1, CD 1
 SB No.944, SD 1, HD 1, CD 1
 SB No.945, SD 1, HD 1, CD 1
 SB No.956, SD 1, HD 1, CD 1
 SB No.960, HD 1, CD 1
 SB No.962, SD 2, HD 2, CD 1
 SB No.1003, SD 2, HD 2, CD 1
 SB No.1018, SD 1, HD 1, CD 1
 SB No.1038, SD 2, HD 1, CD 1
 SB No.1100, SD 2, HD 1, CD 1
 SB No.1117, SD 1, HD 1, CD 1
 SB No.1132, SD 2, HD 1, CD 1
 SB No.1194, SD 1, HD 2, CD 1
 SB No.1250, SD 2, HD 2, CD 1
 SB No.1253, SD 1, HD 1, CD 1
 SB No.1257, SD 2, HD 2, CD 1
 SB No.1262, SD 1, HD 2, CD 1
 SB No.1267, SD 2, HD 2, CD 1
 SB No.1285, SD 2, HD 1, CD 1
 SB No.1348, SD 1, HD 1, CD 1
 SB No.1349, SD 1, HD 1, CD 1
 SB No.1352, SD 1, HD 1, CD 1
 SB No.1362, SD 1, HD 1, CD 1
 SB No.1378, SD 2, HD 1, CD 1
 SB No.1394, SD 2, HD 2, CD 1
 SB No.1420, SD 2, HD 3, CD 1
 SB No.1427, SD 1, HD 2, CD 1
 SB No.1451, SD 2, HD 1, CD 1
 SB No.1453, SD 2, HD 1, CD 1
 SB No.1473, SD 1, HD 1, CD 1
 SB No.1483, SD 1, HD 1, CD 1
 SB No.1554, SD 1, HD 2, CD 1
 SB No.1579, SD 1, HD 1, CD 1
 SB No.1580, SD 1, HD 1, CD 1
 SB No.1592, SD 1, HD 2, CD 1
 SB No.1620, SD 2, HD 2, CD 1
 SB No.1643, SD 2, HD 2, CD 1
 SB No.1660, SD 2, HD 1, CD 1
 SB No.1661, SD 2, HD 2, CD 1
 SB No.1685, SD 2, HD 1, CD 1
 SB No.1699, SD 1, HD 1, CD 1
 SB No.1702, SD 1, HD 2, CD 1
 SB No.1721, SD 2, HD 2, CD 1
 SB No.1729, SD 2, HD 2, CD 1

SB No.1732, SD 1, HD 1, CD 1
 SB No.1772, SD 1, HD 2, CD 1
 SB No.1778, SD 2, HD 1, CD 1
 SB No.1780, SD 2, HD 2, CD 1
 SB No.1796, SD 1, HD 1, CD 1
 SB No.1798, HD 1, CD 1
 SB No.1808, SD 1, HD 1, CD 1
 SB No.1814, SD 2, HD 2, CD 1
 SB No.1816, SD 2, HD 2, CD 1
 SB No.1843, SD 1, HD 2, CD 1
 SB No.1872, HD 1, CD 1
 SB No.1876, SD 2, HD 2, CD 1
 SB No.1877, HD 1, CD 1
 SB No.1883, SD 2, HD 1, CD 1
 SB No.1889, SD 1, HD 2, CD 1
 SB No.1891, SD 2, HD 2, CD 1
 SB No.1903, SD 1, HD 1, CD 1

House Communication dated May 3, 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 14, 2005 to the following House Bills:

H.B. No. 85, HD 2, SD 2
 H.B. No. 450, HD 2, SD 2
 H.B. No. 1029, SD 2
 H.B. No. 1740, HD 1, SD 2

House Communication dated May 3, 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 agreed to the amendments and passed the following House Bills on Final Reading:

H.B. No. 20, SD 1
 H.B. No. 161, HD 1, SD 1
 H.B. No. 1749, HD 2, SD 2

House Communication dated May 3, 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 agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 3, HD 1, SD 1
 H.C.R. No. 10, HD 1, SD 1
 H.C.R. No. 67, SD 1
 H.C.R. No. 200, HD 1, SD 1
 H.C.R. No. 222, HD 1, SD 1

House Communication dated May 3, 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 discharged all conferees to the following House Concurrent Resolutions:

H.C.R. No. 100, HD 1, SD 1
 H.C.R. No. 229, HD 1, SD 1

House Communication dated May 3, 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

28, 2005, and has this day agreed to the amendments to House Concurrent Resolution 100, HD 1, SD 1.

House Communication dated May 3, 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 28, 2005, and has this day agreed to the amendments and adopted House Concurrent Resolution 229, HD 1, SD 1.

SIXTIETH DAY

Thursday, May 05, 2005

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 10:05 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Roy M. Takumi, after which the Roll was called showing all members present with the exception of Representative Meyer, who was excused.

On motion by Representative B. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth, Fifty-First, Fifty-Second, Fifty-Third, Fifty-Fourth, Fifty-Fifth and Fifty-Sixth Days were approved. (Representative Meyer was excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 228 through 231) were received and announced by the Clerk:

Gov. Msg. No. 228, informing the House that on May 3, 2005, the following bill was signed into law:

S.B. No. 1235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE." (ACT 040)

Gov. Msg. No. 229, informing the House that on May 3, 2005, the following bill was signed into law:

H.B. No. 555, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE." (ACT 041)

Gov. Msg. No. 230, informing the House that on May 3, 2005, the following bill was signed into law:

H.B. No. 556, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR WIRELESS ENHANCED 911." (ACT 042)

Gov. Msg. No. 231, transmitting S.B. No. 74, SD 1, HD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
MAY 3, 2005

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 74

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 74, entitled "A Bill for an Act Relating to Highway Safety."

The purpose of this bill is to allow drivers who are at least eighteen years of age to be issued commercial driver's licenses to drive in intrastate commerce, except vehicles to be used in the (1) transportation of passengers in school vehicles, (2) operation of larger trailer-type vehicles (over 26,100 GVW), and (3) transportation of hazardous materials.

I am vetoing this measure based on extensive research that has unequivocally demonstrated it is not sound public policy to use inexperienced drivers to operate large commercial vehicles. The data come from studies of young truck drivers overseas and in those few states that legally permit drivers under age 21 to operate trucks in intrastate commerce.

Numerous studies compiled by the National Center for Statistics and analysis have documented that younger drivers have more accidents. For example, according to the Insurance Institute for Highway Safety, the rate of motor vehicle deaths per 100,000 drivers age 18 to 20 was nearly twice that of drivers ages 21 and older. Studies of young people driving trucks show that there are 4.3 to 6.2-fold increases in the fatal crash risk among drivers younger than 21. The Insurance Institute for Highway Safety along with the Center for Army Lessons Learned reported that during Operations Desert Storm and Desert Shield soldiers younger than 21 were hospitalized for motor vehicle accidents five times more often than soldiers 40 years or older. A 1996 University of Michigan study found younger truck drivers have more moving violations than those at an older age and a higher proportion of accidents involving loss of vehicle control.

The issue of how old a person must be to drive a large truck or bus has been debated frequently at the national level. Federal statutes require that drivers must be at least 21 years of age to qualify to drive interstate commercial vehicles. This rule was reaffirmed as a federal policy as recently as 2003. Forty-four states recognize the same standard for intrastate vehicles.

Despite efforts by the Legislature to restrict the types of commercial vehicles younger drivers could operate in Hawaii, this legislation contradicts the premise behind the graduated driver's license program. That program recognizes that younger drivers are prone to take more risks and jeopardize both themselves and others on our roadways.

While the industry is understandably concerned with the shortage of commercial drivers, there is no demonstrated evidence this bill would alleviate these concerns. On balance, the safety and welfare of the people of Hawaii must be our first and foremost priority.

For the foregoing reasons, I am returning Senate Bill No. 74 without my approval.

Respectfully,

/s/
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 795 through 800) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 795, informing the House that the Senate has, on May 3, 2005, reconsidered action taken on April 26, 2005, in disagreeing to the amendments proposed by the House to the following concurrent resolutions, and has moved to agree to the amendments, and that said concurrent resolutions has this day passed Final Adoption:

S.C.R. No. 68, SD 1, HD 1	"REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF AND ADDRESS VARIOUS MATTERS RELATING TO THE ADEQUACY OF THE MAINTENANCE, OPERATION, AND MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE."	H.B. No. 19, HD 2, SD 2, CD 1 H.B. No. 100, HD 1, SD 1, CD 1 H.B. No. 109, HD 1, SD 2, CD 1 H.B. No. 115, HD 1, SD 2, CD 1 H.B. No. 125, HD 2, SD 1, CD 1 H.B. No. 140, HD 1, SD 2, CD 1 H.B. No. 150, HD 2, SD 2, CD 1 H.B. No. 160, HD 2, SD 1, CD 1 H.B. No. 162, HD 2, SD 1, CD 1 H.B. No. 164, HD 1, SD 1, CD 1 H.B. No. 168, HD 2, SD 1, CD 1 H.B. No. 260, SD 1, CD 1 H.B. No. 263, SD 1, CD 1 H.B. No. 278, HD 1, SD 1, CD 1 H.B. No. 283, HD 1, SD 1, CD 1 H.B. No. 295, HD 2, SD 2, CD 1 H.B. No. 320, HD 1, SD 1, CD 1 H.B. No. 325, SD 2, CD 1 H.B. No. 332, HD 1, SD 2, CD 1 H.B. No. 384, HD 2, SD 2, CD 1 H.B. No. 390, HD 1, SD 2, CD 1 H.B. No. 393, HD 1, SD 1, CD 1 H.B. No. 408, HD 2, SD 1, CD 1 H.B. No. 422, HD 2, SD 2, CD 1 H.B. No. 438, HD 1, SD 2, CD 1 H.B. No. 460, HD 2, SD 1, CD 1 H.B. No. 477, HD 1, SD 1, CD 1 H.B. No. 500, HD 2, SD 2, CD 1 H.B. No. 502, HD 1, SD 2, CD 1 H.B. No. 551, HD 1, SD 2, CD 1 H.B. No. 553, HD 1, SD 1, CD 1 H.B. No. 606, HD 1, SD 2, CD 1 H.B. No. 631, HD 1, SD 2, CD 1 H.B. No. 712, HD 2, SD 2, CD 1 H.B. No. 769, HD 3, SD 2, CD 1 H.B. No. 785, HD 1, SD 1, CD 1 H.B. No. 806, HD 1, SD 1, CD 1 H.B. No. 841, SD 2, CD 1 H.B. No. 843, HD 1, SD 1, CD 1 H.B. No. 844, HD 1, SD 2, CD 1 H.B. No. 852, HD 2, SD 2, CD 1 H.B. No. 864, SD 1, CD 1 H.B. No. 895, HD 2, SD 2, CD 1 H.B. No. 931, HD 2, SD 2, CD 1 H.B. No. 1017, HD 3, SD 2, CD 1 H.B. No. 1051, HD 2, SD 2, CD 1 H.B. No. 1201, HD 2, SD 2, CD 1 H.B. No. 1202, HD 2, SD 2, CD 1 H.B. No. 1224, SD 1, CD 1 H.B. No. 1235, HD 1, SD 1, CD 1 H.B. No. 1236, SD 1, CD 1 H.B. No. 1238, HD 1, SD 2, CD 1 H.B. No. 1276, HD 3, SD 1, CD 1 H.B. No. 1295, HD 2, SD 2, CD 1 H.B. No. 1300, HD 2, SD 2, CD 1 H.B. No. 1301, HD 1, SD 2, CD 1 H.B. No. 1304, HD 1, SD 2, CD 1 H.B. No. 1308, HD 1, SD 2, CD 1 H.B. No. 1309, HD 2, SD 2, CD 1 H.B. No. 1317, HD 1, SD 1, CD 1 H.B. No. 1320, HD 1, SD 1, CD 1 H.B. No. 1378, HD 1, SD 2, CD 1 H.B. No. 1393, HD 2, SD 1, CD 1 H.B. No. 1430, HD 2, SD 2, CD 1 H.B. No. 1462, SD 1, CD 1 H.B. No. 1476, HD 1, SD 1, CD 1 H.B. No. 1528, HD 2, SD 2, CD 1 H.B. No. 1548, HD 1, SD 1, CD 1 H.B. No. 1550, HD 1, SD 1, CD 1 H.B. No. 1554, HD 2, SD 2, CD 1 H.B. No. 1555, HD 1, SD 1, CD 1
S.C.R. No. 134, SD 1, HD 1	"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."	
S.C.R. No. 140, HD 1	"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."	
S.C.R. No. 191, HD 1	"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."	
S.C.R. No. 200, SD 1, HD 1	"REQUESTING A STUDY AND RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII."	
	Sen. Com. No. 796, transmitting H.B. No. 180, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," which passed Third Reading in the Senate on May 3, 2005.	
	Sen. Com. No. 797, transmitting H.B. No. 465, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF REGISTRATION," which passed Third Reading in the Senate on May 3, 2005.	
	Sen. Com. No. 798, transmitting H.B. No. 497, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS," which passed Third Reading in the Senate on May 3, 2005.	
	Sen. Com. No. 799, transmitting H.B. No. 632, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on May 3, 2005.	
	Sen. Com. No. 800, informing the House that the following bills have passed Final Reading in the Senate:	

H.B. No. 1556, HD 1, SD 1, CD 1
 H.B. No. 1597, SD 1, CD 1
 H.B. No. 1599, SD 1, CD 1
 H.B. No. 1608, HD 1, SD 2, CD 1
 H.B. No. 1614, HD 1, SD 2, CD 1
 H.B. No. 1640, HD 3, SD 2, CD 1
 H.B. No. 1641, HD 1, SD 2, CD 1
 H.B. No. 1657, HD 1, SD 1, CD 1
 H.B. No. 1659, HD 1, SD 1, CD 1
 H.B. No. 1668, SD 1, CD 1
 H.B. No. 1672, SD 1, CD 1
 H.B. No. 1709, SD 1, CD 1
 H.B. No. 1733, HD 2, SD 2, CD 1
 H.B. No. 1745, HD 1, SD 2, CD 1
 H.B. No. 1747, HD 1, SD 1, CD 1
 H.B. No. 1750, SD 2, CD 1
 H.B. No. 1758, HD 1, SD 1, CD 1
 H.B. No. 1763, HD 2, SD 2, CD 1
 S.B. No. 3, SD 2, HD 2, CD 1
 S.B. No. 27, SD 1, HD 1, CD 1
 S.B. No. 55, SD 1, HD 2, CD 1
 S.B. No. 76, SD 1, HD 1, CD 1
 S.B. No. 77, SD 1, HD 1, CD 1
 S.B. No. 116, SD 2, HD 2, CD 1
 S.B. No. 117, HD 2, CD 1
 S.B. No. 118, SD 2, HD 2, CD 1
 S.B. No. 121, HD 1, CD 1
 S.B. No. 122, SD 1, HD 3, CD 1
 S.B. No. 179, SD 3, HD 2, CD 1
 S.B. No. 212, SD 2, HD 2, CD 1
 S.B. No. 294, SD 3, HD 1, CD 1
 S.B. No. 459, SD 2, HD 1, CD 1
 S.B. No. 460, HD 1
 S.B. No. 556, SD 2, HD 2, CD 1
 S.B. No. 568, SD 1, HD 2, CD 1
 S.B. No. 617, SD 1, HD 1, CD 1
 S.B. No. 639, SD 2, HD 1, CD 1
 S.B. No. 669, SD 2, HD 1, CD 1
 S.B. No. 673, SD 2, HD 2, CD 1
 S.B. No. 682, SD 2, HD 3, CD 1
 S.B. No. 693, SD 1, HD 1, CD 1
 S.B. No. 700, SD 1, HD 1, CD 1
 S.B. No. 702, SD 2, HD 1, CD 1
 S.B. No. 708, SD 2, HD 2, CD 1
 S.B. No. 738, SD 1, HD 1, CD 1
 S.B. No. 754, SD 1, HD 1, CD 1
 S.B. No. 761, SD 2, HD 1, CD 1
 S.B. No. 791, SD 2, HD 2, CD 1
 S.B. No. 797, SD 1, HD 1, CD 1
 S.B. No. 802, SD 2, HD 1, CD 1
 S.B. No. 807, SD 1, HD 1, CD 1
 S.B. No. 813, SD 2, HD 2, CD 1
 S.B. No. 817, SD 2, HD 1, CD 1
 S.B. No. 834, SD 2, HD 1
 S.B. No. 944, SD 1, HD 1, CD 1
 S.B. No. 945, SD 1, HD 1, CD 1
 S.B. No. 956, SD 1, HD 1, CD 1
 S.B. No. 960, HD 1, CD 1
 S.B. No. 962, SD 2, HD 2, CD 1
 S.B. No. 1003, SD 2, HD 2, CD 1
 S.B. No. 1018, SD 1, HD 1, CD 1
 S.B. No. 1038, SD 2, HD 1, CD 1
 S.B. No. 1100, SD 2, HD 1, CD 1
 S.B. No. 1117, SD 1, HD 1, CD 1
 S.B. No. 1132, SD 2, HD 1, CD 1
 S.B. No. 1137, SD 1, HD 1, CD 1
 S.B. No. 1194, SD 1, HD 2, CD 1
 S.B. No. 1250, SD 2, HD 2, CD 1
 S.B. No. 1253, SD 1, HD 1, CD 1
 S.B. No. 1257, SD 2, HD 2, CD 1
 S.B. No. 1262, SD 1, HD 2, CD 1
 S.B. No. 1267, SD 2, HD 2, CD 1

S.B. No. 1285, SD 2, HD 1, CD 1
 S.B. No. 1336, SD 1, HD 1
 S.B. No. 1348, SD 1, HD 1, CD 1
 S.B. No. 1349, SD 1, HD 1, CD 1
 S.B. No. 1352, SD 1, HD 1, CD 1
 S.B. No. 1362, SD 1, HD 1, CD 1
 S.B. No. 1378, SD 2, HD 1, CD 1
 S.B. No. 1394, SD 2, HD 2, CD 1
 S.B. No. 1420, SD 2, HD 3, CD 1
 S.B. No. 1427, SD 1, HD 2, CD 1
 S.B. No. 1451, SD 2, HD 1, CD 1
 S.B. No. 1453, SD 2, HD 1, CD 1
 S.B. No. 1473, SD 1, HD 1, CD 1
 S.B. No. 1483, SD 1, HD 1, CD 1
 S.B. No. 1554, SD 1, HD 2, CD 1
 S.B. No. 1579, SD 1, HD 1, CD 1
 S.B. No. 1580, SD 1, HD 1, CD 1
 S.B. No. 1592, SD 1, HD 2, CD 1
 S.B. No. 1620, SD 2, HD 2, CD 1
 S.B. No. 1643, SD 2, HD 2, CD 1
 S.B. No. 1660, SD 2, HD 1, CD 1
 S.B. No. 1661, SD 2, HD 2, CD 1
 S.B. No. 1685, SD 2, HD 1, CD 1
 S.B. No. 1699, SD 1, HD 1, CD 1
 S.B. No. 1702, SD 1, HD 2, CD 1
 S.B. No. 1721, SD 2, HD 2, CD 1
 S.B. No. 1729, SD 2, HD 2, CD 1
 S.B. No. 1732, SD 1, HD 1, CD 1
 S.B. No. 1772, SD 1, HD 2, CD 1
 S.B. No. 1778, SD 2, HD 1, CD 1
 S.B. No. 1780, SD 2, HD 2, CD 1
 S.B. No. 1796, SD 1, HD 1, CD 1
 S.B. No. 1798, HD 1, CD 1
 S.B. No. 1808, SD 1, HD 1, CD 1
 S.B. No. 1814, SD 2, HD 2, CD 1
 S.B. No. 1816, SD 2, HD 2, CD 1
 S.B. No. 1843, SD 1, HD 2, CD 1
 S.B. No. 1872, HD 1, CD 1
 S.B. No. 1876, SD 2, HD 2, CD 1
 S.B. No. 1877, HD 1, CD 1
 S.B. No. 1883, SD 2, HD 1, CD 1
 S.B. No. 1889, SD 1, HD 2, CD 1
 S.B. No. 1891, SD 2, HD 2, CD 1
 S.B. No. 1903, SD 1, HD 1, CD 1

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 36) was received by the Clerk and was placed on file:

Dept. Com. No. 36, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, *Financial Audit of the Department of the Attorney General*.

INTRODUCTIONS

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

Representative Caldwell introduced and congratulated, Ms. Kelsey Baker, Co-Captain of the Punahou Girls' Soccer team and *Star-Bulletin* 2004-2005 player of the year. She was accompanied by her father, Mr. Ted Baker of the Legislative Reference Bureau.

Representative Arakaki introduced his former Awana bible studies students and their families:

Former student Mr. Jacob Bush and his parents, Mr. Matthew and Mrs. Lucia Bush, and brother Mr. Joseph Bush; and

Former student Mr. Jacob Urbano and his parents, Mr. Rodney and Mrs. Jennifer Urbano, and sisters Ms. Rachel Urbano, and Miss Hannah Urbano.

Representative Takai introduced his daughter, Kaila Hope Takai. She was accompanied by his office manager, Ms. Lisa Vargas; legislative analyst, Mr. Kendall Matsuyoshi; and legislative aides, Ms. Whitney Decoito and Mr. Norman Kukona.

Representative Takai then acknowledged and thanked all the session and full-time staff of the House of Representatives and requested that their names be placed in the Journal in recognition of their service to the House, and the Chair "so ordered."

Representative Abinsay: Christine Sabino, Terance Lee, Jacob Manegdeg, Joje May Mizuno, Sanford Sasaki.

Representative Arakaki: John Mizuno, Jessica Gamiao, Selwyn Morales, Alice Nakama, Melanee Spencer, Brenda Wong.

Representative Berg: Renee Takahashi, Frances Kagawa, Cindy Mackey, Mildred Saito, Toshiaki Takahashi, Jennifer Wilbur.

Representative Cabanilla: Lance Arakawa, Mary Francis Berthiaume, Michael Cabatingan, Reginald Dayoan, John Emmerson, Johnny Higa, Laurence Vilorio.

Representative Caldwell: Cyndi Apana, Lynn Miller, Dennis Saito, Elena Yamane.

Representative Carroll: Malia Schneider, Jamie DeMello, Daniel Kalili, Justin Woodson.

Representative Chang: Sharon Miranda, Barbara Anderson, Francine Kaneshige, Gloria Rodrigues.

Representative Ching: Ryley Antinori, Julia Allen, Beverly Ho, Alonzo Sandoval.

Representative Chong: Janis Higaki, Ruth Kajiwaru, Janine Tully, Beverly Wong.

Representative Evans: Jessie Torres, Mohala Aiu, Joshua Greenspan, Harolyn Morgenstein, Michael Ni, David Wakukawa, Jennifer Wheeler.

Representative Finnegan: Malia Gray, Corinna Cornejo, Aaron Johanson, Peter Salbiejo.

Representative Fox: Anita Young, Lacene Terri, Amal Abuzalaf, Venus Delos Santos, Sean Thomas.

Representative Green: Kalei Kam, Tehani Ebalei, Alexander Malabey, Allen McCune, Cynthia Nyross.

Representative Hale: Linda Asato-Kaichi, Chad Ahia, Diana Foster, Jelyn Kaichi, Christy Vargo.

Representative Halford: Susan Park, Elisa Marie Furtado-Fischer, Keene Rees.

Representative Herkes: Eloise Kuniyoshi, Meleana Judd, Elisabeth Steele, Cathy Yasuda.

Representative Hiraki: Andrew Garrett, Arthur Mann, Yvonne Miranda, Roy Shimonishi, June Toguchi-Tassill, Lia Wojtowicz, Lloyd Young III.

Representative Ito: Lisa Kirimitsu, Shannon Alivado, George Okuda, Vaughn Tokashiki.

Representative Kahikina: Merrie Aipoalani, Vivian Ahmad, Kealoha Barros-Kahikina, Philmund Lee, Isaac Liu.

Representative Kanohe: Carol Kanohe, Ray Adams, Chanel Williams, Mason Young.

Representative Karamatsu: Baron Gushiken, Perri Chai, Olivia Humilde, Brian Miyamoto.

Representative Kawakami: Michael Moscati, Amy Maeda, Andrena Meeks, Florence Wakuya.

Representative Lee: Ann Thornock, Lloyd Nakahara, Karl Rhoads, Douglas White.

Representative Luke: Blayne Higa, Shirley Batad-Labisores, Janice Farrant, Mallory Fujitani, George Ingham, James Miura, Gregory Schlais.

Representative Magaoay: Lawrence Sagasay, Rexann Dubiel, Judy Fomin, April Jarra.

Representative Marumoto: Joan Shinn, Eric Flores, Gaye Miyasaki, Eileen Mortenson, Karen Tsukiyama, Mari Ushiroda.

Representative Meyer: Joan Sabanos, Jason Barrett, Roosevelt Freeman.

Representative Morita: Scott Morishige, Dreanalee Kalili, Jael Makagon, Joy Yamaki.

Representative Moses: Mike Foley, Edwin Bond, Carrie Kealoha, Evelyn Souza.

Representative Nakasone: Ann Takaki, Erik Chun, Joshua Iha, Lyle Leonard, Claudine Tomasa.

Representative Nishimoto: Eric La'a, Christopher Cuaresma-Primm, Gayle Ito, Debra Lee.

Representative B. Oshiro: Reena Rabago, Stefanie Sakamoto-Sato, Melita Lani, Thomas Mokulehua, James Nelson, Marc Todoroki.

Representative M. Oshiro: Claire Kodama, Erik Abe, Georgette Deemer, Paul Fung, Stephen Matthews, Melody Spence.

Representative Pine: Leticia Acido-Mercado, Mariano Doctolero, Rodolfo Esquivel, Malcom Giblin, Mary Jay, Lilia Lambinico.

Representative Saiki: Clarice Okada, Liane Ikemoto, Michele Kurihara, Nathan Okubo.

Representative Say: Gail Kakuda, Janel Cohen, Mark Oto, Ember Shin.

Representative Schatz: Karin Gill, Shane Menza, Jacce Mikulanec.

Representative Shimabukuro: Colleen Young, Solomon Enos, Wallace Inglis, Erica Miles, Edmond Suka.

Representative Sonson: Park Kaleiwahea, Rogel Duma, Vladimir Gaad, Felicitas Guillermo, Christopher Jurado, Gemma-Rose Poland.

Representative Souki: Flo Hamasaki, Peggy Collier, Vernon Souki, Brian Yamane.

Representative Stonebraker: Martha Eng-Tom, Lucas Burns, Kathryn Sheffield.

Representative Takai: Lisa Vargas, Kendall Matsuyoshi, Whitney Decoito, Cheryl Derby, Kristine Duong, George Furukawa, Richard Halverson Jr., Sandra Kim, Norman Kukona, Grace Kwan.

Representative Takamine: Cynthia Okazaki, Matthew Dvonch, Jamie Kawano, Shannon LiLi, Michael Lum, Antonio Mau, Charnelle Menor, Janey Nagai, Candace Phelps, Mona Hilda Ragodos, Stacey Tagala, Wyndi Taylor, Mark Tom, Ai Yamane.

Representative Takumi: Nancy Nishimura, Aisha Arion, Marin Bogema, Andrew Choy.

Representative Tanaka: Marietta Smith, Eric Costanios, Erika Moon, Franklin Tsuji.

Representative Thielen: Desiree Poteet, John Foster, Melody Heidel.

Representative Tsuji: Jasmine Branco, Tony Ching, Walter Igawa-Silva, Joshua Medeiros, and Melissa Miranda-Johnson.

Representative Wakai: Garrett Umeda, Janice Ching, Ryan Oishi, Mieko Treaster, Joan Ushijima.

Representative Waters: Cheryl Takabayashi, Mary Baker, Paulette Nakamura, Laura Yoshida.

Representative Yamane: Tina Yamamoto, Glenn Prieto, Kymberly Sparlin.

Representative Yamashita: Lois Tambalo, Amber Lynn Hyden, Liane Iaukea, Marion Kanemori, Brian Okamura.

Chief Clerk's Office: Patricia Mau Shimizu, CJ Leong, Josette Friedl, Gail Iseri, Rupert Juarez, Adele Kuraoka, Kai Lau, Denise Liu, Craig Nakahara, Neal Shigemura, Chip Smith, Chad Takahashi, Shayne Takahashi, Tammy Tengan, Roger Tyau, Anela Anne Apostadiro, Danielle Bass, Richard Gonzales, Glen Hamada, Channing Iwamuro, Phillip Jones, Blake Kodama, Melanie Kuroiwa-Steiner, Marilyn Marquez, Brian Nii, Teoni Obrey, Sherry Oshiro, Brandon Park, Joy Sato, Robert Simmons, Jill Takamatsu, Jay Tsuruda.

Printshop: Dorothy Horie, Yoshi Kiyabu, Jean Kinoshita, Carol Cabebe, Lourraine Coffey, Kay DeMello, Kenneth Gibo, Bradley Haida, Roy Higa, Lorrin Kaalekahi, Summer Kaleo, Douglas Kuahulu, Sandra Kuewa, Elaine Miyamoto, Mitchell Osurman, Har Ping Pang, Mildred Phillips, Eleanor Riney, Amy Say, Linda Shishido, Shirley May Sing, Norman Tajiri, Dennis Takushi, Shirley Yong, Curtis Yoshida.

Sergeant-at-Arms: Kevin Kuroda, Lon Paresa, Paulette Abe, Barbara Leong, Rowena Low, Glenn Okamura, Elsielyn Abad, Dorothy Alvarado, Jesse Alvarado, Douglas Arakaki, Robert Arakaki, Francis Baysa, Yolanda Bryant, Warren Higashi, Kate Hirayasu, William Inocelda Jr., Chad Kawabata, Kenneth Lee, Bronson Low, Jazmin Morrill, Matthew Oamilda, Nellie Piena, Paul Reid, Anna Salis, Jeffrey Spencer, Richard Tamashiro, Wendy Tamashiro, Isabelle Teixeira, Lieselotte Waipa, Janel Wong.

Majority Research: Linda Oamilda, Doreen Belen, Iris Brown, Richard Dvonch, James Funaki, Jamie Go, Sharilyn Ho, Darcie Inamasu, Mary James, Roger Kim, Terrence Lee, Steven Lum,

Pam McCreddie, John Moriyama, Joyce Nakagawa, Roy Nihei, Kendra Oishi, Carolyn Plett, Carl Silva, Wimmie Wong, Haylee Faustin, Charles McGirr.

Finance Committee: Brian Hallett, Jo Hamasaki, Nandana Kalupahana, Michael Ng, Eric Nouchi, Brian Takeshita.

Minority Research: Boyd Akase, Candace Crouch-Kelsey, Sabrina Hall, Roy Yanagihara, James Delavan, Kristi Arakaki, Krystie Davis, Beth Fukumoto, Stuart Hayashi, Dawn Hirakawa, Nolan Kido, Nadine Nishioka, Noreen Onomoto, Eliza Talbot.

Representative Chong introduced his office staff, Ms. Ruth Kajiwaru and Mr. Janine Tully.

Representative Abinsay introduced office manager, Ms. Christine Sabino; legislative aide and community liaison, Mr. Jake Manegdeg; and committee clerk, Mr. Sanford Sasaki. They were accompanied by Ms. Joy Gold.

Representative Thielen introduced and thanked Mr. Henry Curtis, Executive Director of Life of the Land.

Representative Caldwell introduced Mr. John Sabas, Executive Director of the City and County of Honolulu Department of Community Service.

Representative Cabanilla introduced and thanked her legislative aide, Mr. Laurence Viloria.

Representative M. Oshiro introduced State Ombudsman, Mr. Robin Matsunaga; and State Auditor, Ms. Marion Higa.

The Chair acknowledged and thanked all Session employees and regular employees of the House of Representatives, and asked them to stand and be recognized.

At 10:19 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:46 o'clock a.m.

ORDER OF THE DAY

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.

THIRD READING

S.B. No. 1419, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1419, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1478, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1478, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Third Reading by a vote of 51 ayes.

At 10:47 o'clock a.m., the Chair noted that S.B. Nos.: 1419, SD 1; and 1478, SD 1, passed Third Reading.

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried.

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative M. Oshiro then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried.

H.B. No. 85, HD 2 (SD 2)
H.B. No. 450, HD 2 (SD 2)
H.B. No. 1029 (SD 2)
H.B. No. 1740, HD 1 (SD 2)

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

H.B. No. 85, H.D. 2, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 85, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 5 (Souki, Kanoho, Lee, Ito and Fox). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 85, H.D. 2 and H.B. No. 85, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Final Reading by a vote of 51 ayes.

H.B. No. 450, H.D. 2, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 450, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Saiki, Takamine, Carroll and Finnegan). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 450, H.D. 2 and H.B. No. 450, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Final Reading by a vote of 51 ayes.

H.B. No. 1029, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the

House agree to the amendments proposed by the Senate to H.B. No. 1029, on the following showing of Ayes and Noes:

Ayes, 4 (Ito, Kawakami, Yamane and Moses). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1029 and H.B. No. 1029, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," passed Final Reading by a vote of 51 ayes.

H.B. No. 1740, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1740, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Luke, Lee and Thielen). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1740, H.D. 1 and H.B. No. 1740, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING," passed Final Reading by a vote of 51 ayes.

At 10:49 o'clock a.m., the Chair noted that H.B. Nos.: 85, HD 2, SD 2; 450, HD 2, SD 2; 1029, SD 2; and 1740, HD 1, SD 2, passed Final Reading.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 239 through 243) were announced by the Clerk and the following action taken:

H.R. No. 239, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE TWENTY-THIRD LEGISLATURE, REGULAR SESSION OF 2005, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 2005 AND 2006 SESSIONS," was jointly offered by Representatives Say, Fox, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, H.R. No. 239 was adopted.

H.R. No. 240, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 60TH DAY," was jointly offered by Representatives Say, Fox, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, H.R. No. 240 was adopted.

H.R. No. 241, entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, REGULAR SESSION OF 2005," was jointly offered by Representatives Say, Fox, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, H.R. No. 241 was adopted.

H.R. No. 242, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO DESIGNATE WHICH OF THE EMPLOYEES AND OFFICERS OF THE HOUSE BE GIVEN ADDITIONAL EMPLOYMENT TO MEET THE WORK AFTER THE SESSION AND FURTHER AUTHORIZING THE SPEAKER TO DETERMINE THE PERIOD OF EMPLOYMENT," was jointly offered by Representatives Say, Fox, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, H.R. No. 242 was adopted.

H.R. No. 243, entitled: "HOUSE RESOLUTION RELATING TO STANDING, INTERIM, AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 2005 AND THE CONVENING OF THE REGULAR SESSION OF 2006," was offered by Representative Say.

Representative M. Oshiro moved that H.R. No. 243 be adopted. The Chair then called Representative Fox who declined to second the motion. Representative Takai then seconded the motion.

Representative Fox rose, stating:

"Thank you, Mr. Speaker. This resolution departs from the normal policy of the House, which is that Committees, Standing Committees and Conference Committees are formed in conjunction with the Minority. The Minority has the ability to suggest names for the Minority participants. I believe that same pattern should be followed with Interim Committees. Thank you, Mr. Speaker."

The Chair then stated:

"Your point is well taken and the Chair will take that under advisement."

The motion was put to vote by the Chair and carried, and H.R. No. 243 was adopted.

At 10:53 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:54 o'clock a.m.

LATE INTRODUCTIONS

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

Representative Takai introduced Mr. Joel Kennedy, former Director of Communications for the House of Representatives.

Representative Halford introduced his office manager Ms. Susan Park; and legislative staff, Ms. Keene Rees, and Ms. Elisa Furtado-Fischer.

Representative Ching introduced her legislative aide, Mr. Alonzo Sandoval; community liaison, Ms. Beverlyn Ho; and office manager, Ms. Ryley Antinori.

Representative Yamane introduced his constituent, Mr. David Rolf.

Representative Moses introduced from the Department of Commerce and Consumer Affairs, Director, Mr. Mark Recktenwald; and Administrative Assistant, Mr. Garrett Kashimoto.

Representative Fox introduced his office staff, Mr. Sean Thomas.

ANNOUNCEMENTS

Representative Hale: "Mr. Speaker, thank you for this opportunity to tell my colleagues about an upcoming APIL convention here at the Capitol on May 26th and 27th. APIL stands for Association of Pacific Island Legislatures. We are all members and we are hosting about 50 of our fellow legislators from 12 Pacific states and counties and countries on May 26th and 27th of this year.

"Representative Glenn Wakai and I have been honored to have been appointed by the Speaker to represent Hawaii. We've been so warmly welcomed when we attend board meetings and previous conventions that we are anxious to show the same traditional Hawaiian hospitality that we're so well known for.

"We have been working on an interesting agenda under the theme: "Aquaculture, a Viable Industry for the Islands". We have enlisted a knowledgeable group of speakers about the industry and we will visit the Oceanic Institute and have a post-convention tour to the Big Island visiting the Natural Energy Laboratory of Hawaii in Kona to see their aquaculture projects. Then go to Hilo by bus and see the new Pacific Basin Aquaculture Center and have dinner hosted by the University of Hawaii at Hilo.

"We will be sending out announcements to your offices with a sign-up sheet to detail the agenda and urge you to help us give our fellow legislators from the neighboring Pacific Islands a warm Hawaiian welcome. If you can offer any help in this effort, please contact my office or Representative Wakai.

"In conclusion, I would like to thank you, Mr. Speaker, for allowing us to participate in this interesting organization and to host this convention. Now, I would like to turn to my colleague, Representative Wakai, who will tell you some more. Thank you, Mr. Speaker."

Representative Wakai: "Thank you, Mr. Speaker. I just simply want to add that we all sit here in the middle of the Pacific and often times we forget that there are a lot of other Pacific Islanders that share similar situations to us.

"Perhaps, they're a few years behind us, but it's a great opportunity for them to come to our island and for us to learn about what has impacted their lives. Because, whether we like it or not, the migration of Micronesians, Marshallese, Palauans, those who are of Chamorro ancestry impact our lives far more than people who come to live and move here from the Mainland. And because of the cultural differences, because of many other differences, it probably precludes all of us, as we're lawmakers that can change the way we do business here in the State; for us to have a deeper understanding of our brothers and sisters from other Pacific Islands.

"So, with Representative Hale, we certainly invite all of you to participate in this important convention coming up on May 26 and 27. Thank you, Mr. Speaker."

Representative Finnegan: "Thank you, Mr. Speaker. After about four weeks of intense competition, HMSA announced the 2005 winners of the "Legislators on the Move" fitness challenge. And I just wanted to share that with all of you if you haven't heard the results.

"The top four competitors for winning donations for a school in their district to be used for physical education are:

In first place Representative Blake K. Oshiro, with 608,000 steps. Well, I'll give him credit for all of them 608,244 steps. He won a \$1,500 donation.

Second Place was Senator Gordon Trimble with 579,076 steps and a \$1,000 donation.

Third place was Representative Scott Saiki with 578,068 steps, winning \$750 donation for the school.

And fourth place was Senator Clayton Hee with 576,634 steps with a \$500 donation.

"There were two door prize winners who were drawn at random given to myself for \$500, and Senator David Ige for another \$500.

"I would just like to say, for the second time in the last two years, I've lost in competition to Representative Blake Oshiro. We gave him this handsome trophy that can be yours next year if you join the challenge. He is named the 'Iron Man of 2005 Legislature'. Thank you."

Representative Caldwell: "Mr. Speaker, many of us stood up here today and introduced our staff and praised them and they deserve that praise. But there's a group of people, Mr. Speaker, who aren't in this room today that also deserve our praise and thanks.

"And a couple of weeks ago, Mr. Speaker, this Body passed a House Resolution No. 151, which declares May 5th, *Cinco de Mayo* or Boys Day, as 'Cleaners Appreciation Day' in the State of Hawaii.

"Mr. Speaker, on Tuesday, we were here late and when I was walking back to Alii Place to get my car in the parking garage around 1:30 a.m., the cleaners were in the garage sweeping the garage floor. These people are there when we're not. They're cleaning up the buildings, our State buildings, our private sector buildings. Many of them are immigrants, newly arrived to our State. Or are new citizens of our State, and our country, that are working very hard to make ends meet and they're making our world a better place.

"So, I just want to mention that it is 'Cleaner Appreciation Day' and if you see someone working, whether in this building or others, say 'thank you' to them and show your appreciation. Thank you very much, Mr. Speaker."

Representative Waters: "Thank you, Mr. Speaker. I just wanted to publicly thank my staff. I'm not going to introduce them today. But, you know, I've oftentimes, this session, been grumpy, tired and sometimes take it out on them. So, I just want to thank them. But, I also wanted to thank the Sergeant-at-Arms office for all of their hard work. They really do a lot for us and we appreciate that. As well as the Chief Clerk's Office. They are also very, very hard working and awesome people.

"In addition, our work isn't done. We still have to go out to our communities and explain our positions on taxes, important land use decisions, education, affordable housing, and things

like that. And I'd like to thank my colleagues for all of their hard work as well, on these important issues.

"And I just wanted to say for the record, that these decisions weren't easy. This job is a really difficult job and we all put our hearts and minds into that. And I'd like to also thank my colleagues for that. Thank you, Mr. Speaker."

Representative Berg: "Thank you, Mr. Speaker. Evidently, this is the time when we are able to express our gratitude. So, on behalf of the freshmen as a collective group, we would like to thank not only the graciousness of the Sergeant-at-Arms office and the Chief Clerk's office, and the Leadership, and also all of our colleagues. But we would especially like to make an announcement that as of today, we are no longer freshmen. We now have one Session under our belts and so we will be working very diligently during the interim to become more knowledgeable and more capable so that when we come back, we may join as full colleagues. Thank you."

Representative Souki: "Yes, Mr. Speaker and Members. I want to thank you, Mr. Speaker, the House Leadership, all the Chairs, and the Minority Leadership for the fine work that they did this year. Thank you."

Representative Takai: "Thank you, Mr. Speaker. I realized that we already introduced a few other staff members from our offices, and you have already allowed me and allowed us to put their names into the Journal. But I did want to ask the other staff people, because there are a few more from our offices, if they could all rise -- especially those of you who just came in. Let's all thank all them as well. If the staff members from all of our offices and also our support staff can please stand to be recognized? And members, let us all thank them."

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

"As we bring the 2005 Session to a close, I want to thank all of you for your hard work. We certainly should be proud of our accomplishments and we can go back into the communities and tell them we have taken great strides in addressing these concerns.

"We've passed an Omnibus Housing Bill that begins to address our housing dilemma, to provide affordable housing for the average family while not forgetting about the needs of the homeless who are a part of our community today, and the hidden homeless, those multiple families living in a single dwelling.

"We passed monumental legislation tied to the Legacy Lands Act to preserve our precious shorelines and open spaces for our residents and tourists now and for the future.

"We have taken a huge bold step to help our counties to address their traffic and transportation problems.

"Working closely with Bob Watada, we have taken a great leap in reforming our campaign finance system.

"And after more than a quarter century of deliberation and discussion, we finally passed legislation on important agricultural lands.

"And we all did this while still maintaining our primary commitment to reinventing our public education as Act 51 and tackling the ice epidemic.

"For all of us this morning, it's not too shabby. It really isn't, for a 60-day Session. Again to all of you, thank you for all your hard work and especially your patience and cooperation.

"Representative Fox, thank you and all the Members of the Minority Caucus, which I really enjoyed. Majority Leadership and the Majority Members, I thank each and one of you also. With that in mind, Representative Marcus Oshiro, let's close this Session."

At 11:10 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

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

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 244) was announced by the Clerk and the following action taken:

H.R. No. 244, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Say and Takai.

On motion by Representative M. Oshiro, seconded by Representative Fox and carried, H.R. No. 244 was adopted.

The Chair then declared that the House of Representatives stand adjourned Sine Die.

The Chair then stated:

"Before leaving members, Representative Arakaki will share with us a prayer on behalf of the military ..."

At 11:12 o'clock a.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 11:12 o'clock a.m.

The Chair then stated:

"I just want to get out so I forgot to make the motion."

ADJOURNMENT

Representative M. Oshiro moved that the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, adjourn Sine Die, seconded by Representative Fox.

The motion was put to vote by the Chair and carried, and at 11:12 o'clock a.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, adjourned Sine Die.

HOUSE COMMUNICATIONS

House Communication dated May 5, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, returning Senate Bill No. 1419, SD 1, which this day passed Third Reading.

House Communication dated May 5, 2005, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, returning Senate Bill No. 1478, SD 1, which this day passed Third Reading.

House Communication dated May 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 agreed to the amendments and passed the following Bills on Final Reading:

H.B. No. 85, HD 2, SD 2
H.B. No. 450, HD 2, SD 2
H.B. No. 1029, SD 2
H.B. No. 1740, HD 1, SD 2

GOVERNOR'S MESSAGES RECEIVED AFTER SINE DIE

Gov. Msg. No. 232, informing the House that on May 6, 2005, the following bill was signed into law:

H.B. No. 683, HD 1, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION." (ACT 043)

Gov. Msg. No. 233, informing the House that on May 6, 2005, the following bill was signed into law:

S.B. No. 667, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES." (ACT 044)

Gov. Msg. No. 234, letter dated April 21, 2005, informing the House that the decision of the arbitration panel for Bargaining Units 2, 3, 4, 6, 8, and 13, represented by Hawaii Government Employees Association (HGEA) was received on April 15, 2005, and transmitting a proposed conference draft amending H.B. No. 263 in its entirety to fund the settlement.

Gov. Msg. No. 235, letter dated April 21, 2005, informing the House that the decision of the arbitration panel for Bargaining Unit 9, represented by Hawaii Government Employees Association (HGEA) was received on April 15, 2005, and transmitting a proposed conference draft amending H.B. No. 258 in its entirety to fund the settlement. [Note: See H.B. No. 1597, SD 1, CD 1]

Gov. Msg. No. 236, letter dated April 25, 2005, informing the House that the Hawaii State Teachers Association and the employer entered into a tentative agreement concerning Bargaining Unit 5 on April 23, 2005; transmitting summaries of the included and excluded requirements of the settlement for the upcoming fiscal biennium in anticipation of the union ratification to facilitate meeting the legislative timetable; and transmitting a proposed conference draft amending H.B. No. 254 that will become effective July 1, 2005. [Note: See S.B. No. 945, SD 1, HD 1, CD 1; and S.B. No. 1580, SD 1, HD 1, CD 1]

Gov. Msg. No. 237, letter dated April 26, 2005, informing the House that the United Public Workers and the employer entered into a tentative agreement concerning Bargaining Units 1 and 10 on April 23, 2005; transmitting summaries of the included and excluded requirements of the settlement for the upcoming fiscal biennium in anticipation of the union ratification to facilitate meeting the legislative timetable; and

transmitting a proposed conference draft amending H.B. No. 250 in its entirety to fund the settlement. [Note: See S.B. No. 944, SD 1, HD 1, CD 1; and S.B. No. 1579, SD 1, HD 1, CD 1]

Gov. Msg. No. 238, letter dated April 26, 2005, informing the House that the decision of the arbitration panel for Bargaining Units 2, 3, 4, 6, 8, 9, and 13, represented by Hawaii Government Employees Association (HGEA) was received on April 15, 2005, and transmitting a proposed conference draft amending H.B. No. 1599 in its entirety to fund HEUHBTF costs.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE 2005 LEGISLATURE SINE DIE

Gov. Msg. Nos. 232 through 440: See Special Session 2005.

**SENATE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT
OF THE 2005 LEGISLATURE SINE DIE**

Sen. Com. No. 801, transmitting H.C.R. No. 172, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF PAYDAY LENDERS AND DEFERRED DEPOSIT CHECK CASHERS," which was adopted by the Senate on May 5, 2005.

Sen. Com. No. 802, transmitting S.R. No. 136, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate on May 5, 2005.

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DEPARTMENTAL and MISCELLANEOUS COMMUNICATIONS RECEIVED
AFTER THE ADJOURNMENT OF THE 2005 LEGISLATURE SINE DIE

Departmental Communications

Dept. Com. Nos. 37 through 42: See Special Session 2005.

Miscellaneous Communications

Misc. Com. Nos. 5 through 7: See Special Session 2005