

FORTY-FOURTH DAY

Wednesday, April 5, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:18 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Jaime Demello, legislative aide to Representative Carroll, after which the Roll was called showing all members present with the exception of Representatives Kawakami, Stonebraker, Tanaka, Wakai and Waters, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 252) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 252, informing the House that on April 3, 2006, the following bill was signed into law:

S.B. No. 2424, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS." (ACT 002)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 438 through 447) were received and announced by the Clerk:

Sen. Com. No. 438, transmitting S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL GRANTS FROM THE UNITED STATES OFFICE FOR DOMESTIC PREPAREDNESS FOR THE STATE DEPARTMENT OF DEFENSE," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 439, transmitting S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 440, transmitting S.C.R. No. 86, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND CITY AND COUNTY OF HONOLULU," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 441, transmitting S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXAMINE THE PUBLIC POLICY UNDERLYING THE RECOVERY OF MEDICAL ASSISTANCE PAYMENTS," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 442, transmitting S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 443, transmitting S.C.R. No. 115, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 444, transmitting S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS AND THE STATE OF HAWAII TO AFFIRM AND SUPPORT THE HISTORIC, CULTURAL, AND SACRED SIGNIFICANCE OF MAUNA'ALA-THE ROYAL MAUSOLEUM," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 445, dated April 4, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 2159, SD 2, HD 1 S.B. No. 2293, SD 2, HD 1

Sen. Com. No. 446, dated April 4, 2006, 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. 1983, Chair: Hanabusa
HD 1, SD 1 Members: English, Whalen

H.B. No. 2098, Chair: Baker
HD 1, SD 1 Co-Chair: Chun Oakland
Members: Tsutsui, Whalen

H.B. No. 2207, Chair: Hanabusa
HD 1, SD 1 Members: Chun Oakland, Whalen

H.B. No. 2503, Chair: Inouye
HD 2, SD 1 Co-Chair: Ige
Members: Espero, Whalen

H.B. No. 2898, Chair: Hanabusa
SD 1 Members: Hee, Whalen

H.B. No. 2899, Chair: Hanabusa
HD 1, SD 1 Members: Chun Oakland, Whalen

Sen. Com. No. 447, dated April 4, 2006, 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. 826, Chair: Chun Oakland
HD 2 Co-Chair: Hanabusa
Members: Ihara, Trimble

S.B. No. 895, Chair: Kokubun
SD 1, HD 2 Co-Chair: English
Member: Hemmings

S.B. No. 2255, Chair: Hanabusa
SD 1, HD 1 Members: Chun Oakland, Whalen

S.B. No. 2501, Chair: Kokubun
SD 1, HD 1 Co-Chair: Hooser
Member: Hemmings

S.B. No. 2603, Chair: Hanabusa
SD 1, HD 1 Members: English, Whalen

H.B. No. 2924, Chair: Hanabusa
SD 1, HD 1 Members: Chun Oakland, Whalen

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 62) was received by the Clerk and was placed on file:

Dept. Com. No. 62, dated November 2005, from the Department of the Attorney General, transmitting Driving Under the Influence in the City & County of Honolulu.

INTRODUCTIONS

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

Representative Arakaki introduced members of the Massage Therapists Association of Hawaii: Ms. Mahana Byington, MATAH President; Ms. Roxanne La'akea Schneider, Treasurer; Ms. Donna Shimabuku, Secretary; and Mr. Dustin Ebesu, Past President.

At 12:25 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 12:26 o'clock p.m.

Representative Takamine, on behalf of the Big Island delegation, introduced students from Kohala High School and their advisors, Ms. Billie Brown and Ms. Melody Neitfeld; Kalaniana'ole Elementary and Intermediate School and their advisor Ms. Mari Nakamura; and Paaulo Elementary and Intermediate School and their advisor Mr. Dean Alip.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolution and resolutions were referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
325	Committee on Water, Land, & Ocean Resources

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
147, HD1	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then to the Committee on Higher Education
255	Committee on Water, Land, & Ocean Resources

INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 282) was announced by the Clerk and the following action taken:

H.R. No. 282, entitled: "HOUSE RESOLUTION CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC. ON ITS 41ST ANNIVERSARY," was jointly offered by Representatives Souki, Carroll, Halford, Nakasone, Tanaka, Yamashita and Say.

Representative Souki, moved that H.R. No. 282 be adopted, seconded by Representative Nakasone.

Representative Souki thanked Maui Economic Opportunity for their 41 years of service to the community and introduced the following representatives of MEO seated on the floor of the House:

Mr. Sandy Baz, Executive Director;
Ms. Lyn McNeff, Deputy Director; and
Mr. Joseph Williams, Board Member.

The motion was put to vote by the Chair and carried, and H.R. No. 282 was adopted with Representatives Ching, Kahikina, Kawakami, Marumoto, Stonebraker, Tanaka, Wakai and Waters being excused.

At 12:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1387-06) 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 REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT ALL COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1388-06) recommending that H.C.R. No. 164, 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, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT ALL COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1389-06) recommending that H.R. No. 133, 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. 133, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO FACILITATE THE TRANSFER OF PUBLIC LANDS IN KEALAKEHE TO THE DIVISION OF BOATING AND OCEAN RECREATION AS AN EXPANSION OF HONOKOHAU SMALL BOAT HARBOR," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1390-06) recommending that H.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 H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF

LAND AND NATURAL RESOURCES TO FACILITATE THE TRANSFER OF PUBLIC LANDS IN KEALAKEHE TO THE DIVISION OF BOATING AND OCEAN RECREATION AS AN EXPANSION OF HONOKOHAU SMALL BOAT HARBOR." was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1391-06) recommending that H.R. No. 189, 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. 189, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1392-06) recommending that H.C.R. No. 249, 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. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1393-06) recommending that H.R. No. 256, be adopted; and

(Stand. Com. Rep. No. 1394-06) recommending that H.C.R. No. 320, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 256 and H.C.R. No. 320, be adopted, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. I rise in strong support of these two measures. Mr. Speaker, this pair of resolutions basically affirms that it is in the best interest of the State to preserve the architecture, objects, and sites of numerous cultures that make up our island community. And that preservation of the history, of our cultures, not only helps promote tourism, but helps to preserve for future generations, our cultural identity for all of the various people that call Hawaii their home.

"Mr. Speaker, historic preservation is more than buildings. The truth is that historic preservation is ultimately and always about people. It revitalizes business districts and neighborhoods. It helps our heritage tourism. It helps economic development. It reflects the people involved: small business, private citizens, bankers. Every walk of life is affected by historic preservation.

"The problem is that most people don't understand historic preservation. People are not aware and so like any issue, the first step is awareness and education because historic preservation, while it seems like its something that is esoteric, is actually, possibly, a solution to many of our problems. Because when children are in strong and healthy communities, they know that the friendly building

down the street which looks gracious and welcoming, they know they're part of a community so they're less vulnerable to youth gangs.

"Also they learn about those that came before them. And they know that when they walk into the Queen Emma Summer Palace, wow, there's stability in this community. You know there's something. I can see what my own great, great, grandfather saw, so maybe I'm part of a continuum. And when you walk through a museum like that, one is touched by the inspiration of learning about the past. So it's kind of like learning about things that came before you, even grandparents or whoever.

"So ultimately historic preservation actually is about respecting things that are older. We're all, if we're lucky, going to become older. And just because we're older does not mean they're not useful. In fact we are perhaps, more useful. What is more useful? A flower? Or that you have to squeeze an orange to make juice? No, a flower inspires, and that's what a lot of our *kupuna* do. They understand. They give us wisdom. So when children, and I've been there in the education field, and I've seen the light go on in children's eyes when they go into the Queen Emma Summer Palace, which I might add would have been a baseball field had it not been for the Daughters of Hawaii, a 100 years ago."

Representative Takai rose to yield his time, stating:

"Mr. Speaker. I yield 10 seconds more."

Representative Ching continued, stating:

"Thank you very much. So in summation, and thank you very much to the Representative from Pearl City. Tourism. Children. They all benefit. And what this measure will do is actually respect those of the craft of architecture, because construction and architecture are not always equal. This building is architecture, but there are a lot of things that serve as buildings that are not. And when architecture is good, it gives a message, it teaches. So historic preservation is about health, about education, and the well-being of our people. Thank you."

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

"Mr. Speaker, as the Representative of the historical Ewa Villages, I stand in strong support of this measure and I would like to add a few comments to show to my colleagues what a wonderful place the historical Ewa Villages is.

"Ewa Villages is a great historical and cultural site, and a legacy for the people of Hawaii that will remain as a constant reminder of our unique plantation life that cannot be compared to anywhere else in the world.

"Ewa Villages epitomized the frontier of plantation life and I would hope that we would like to see this preserved. Thank you, Mr. Speaker."

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

"Thank you, I rise in strong support. I just want to add to the words of the previous speakers. What I'd like to say is, it takes a community to raise a child. It takes a community to take care of our elderly. I truly believe this is a community issue about these historical sites, and historical events that have happened in the past, and how we together as a community will have to come together. I believe, with resources to protect a lot of our history. So I think there is a strong message by having this Historic Preservation Awareness Day and that message is, is that it's going to be up to us today, as a community, to come together to protect and to continue with some of our history.

"There are a lot of bills and a lot of resolutions this year at the Legislature addressing historic preservation and I really appreciate the support that's being showed. I hope Historic Preservation Day does send a strong message to the citizens that together, we need to work together, to keep some of these historical sites and cultural history intact. Thank you."

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

"Mr. Speaker, just short comments in strong support. In my district we have the Arizona Memorial and its one of the most known historic sites in the world. I just wanted to show my support and say that every community, and every other historic site should have the same recognition. Thank you."

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

"Thank you, I also rise in strong support and wish to add that if we're concerned about sustaining the culture of Hawaii and our host culture, then our part of learning about history is really important for that as well. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanofo, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1395-06) recommending that H.R. No. 201, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1396-06) recommending that H.C.R. No. 261, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 201, HD 1, and H.C.R. No. 261, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Chong rose in support of the measure, stating:

"In strong support 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. 201, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU, TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 261, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE DEPARTMENT OF

LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU, TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanofo, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1397-06) recommending that H.C.R. No. 98, 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. 98, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm in support, but I wish it would address areas far beyond Tantalus and Manoa. I have macadamia nut farmers who lose 30% to 40% of their crop to feral pigs, and I have them in my backyard. All we have to do is to work with the pig hunters of Hawaii, and they'll solve the problem."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 98, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST IN MANAGING THE FERAL PIG POPULATION IN THE TANTALUS AND MANOA AREA," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1398-06) recommending that H.C.R. No. 82, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1399-06) recommending that H.R. No. 131, 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. 131, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO CONTINUE THEIR EFFORTS TO SEEK AUTHORIZATION FROM THE UNITED STATES FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY'S SCIENCE AND OCEAN TECHNOLOGY PARK AT KAILUA-KONA ON THE ISLAND OF HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1400-06) recommending that H.C.R. No. 172, 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, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO CONTINUE THEIR EFFORTS TO SEEK AUTHORIZATION FROM THE UNITED STATES FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY'S SCIENCE AND OCEAN TECHNOLOGY PARK AT KAILUA-KONA ON THE ISLAND OF HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Karamatsu and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1401-06) recommending that H.R. No. 175, 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. 175, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU, HONOLULU COMMUNITY COLLEGE, AND VARIOUS OTHER ENTITIES TO PURSUE DEVELOPMENT OF A MIXED-USE URBAN CORE IN KALIHI AND REQUESTING ENTERPRISE HONOLULU TO SUBMIT A REPORT RELATING TO THE MIXED-USE URBAN CORE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Karamatsu and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1402-06) recommending that H.C.R. No. 234, 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. 234, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU, HONOLULU COMMUNITY COLLEGE, AND VARIOUS OTHER ENTITIES TO PURSUE DEVELOPMENT OF A MIXED-USE URBAN CORE IN KALIHI AND REQUESTING ENTERPRISE HONOLULU TO SUBMIT A REPORT RELATING TO THE MIXED-USE URBAN CORE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Karamatsu, Kanoho and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1403-06) recommending that H.C.R. No. 218, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 218, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Thank you, I rise to express a reservation on this particular resolution. I'm basically for the intent of the resolution and I strongly favor helping the High Tech Development Corporation, the University of Hawaii School of Medicine, the Cancer Research Center, and other agencies mentioned in this resolution.

"The original intent was to place many of these entities on State land next to the Mother Mary Waldron Park on the *mauka* side of Kakaako. I voted with reservations in Committee because the site has been planned by the HCDA as a possible site for an elementary school, so I just want to point that out. I think it's also set-aside for

kupuna housing or low-income housing, so I thought I would put that in mind. We should perhaps, look for other low cost land to help our high tech industry. Thank you."

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

"Thank you Mr. Speaker. With reservations for similar reasons."

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

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

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

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

"Mr. Speaker, I'm just going to vote with reservations because in the 'Be it resolved' clause, it comments that this taskforce is to look at strategizing to develop and operate the consortium on any land in Kakaako, and I would like to see that on the *mauka* side instead. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 218, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION, UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, CANCER RESEARCH CENTER OF HAWAII, DEPARTMENT OF EDUCATION, DEPARTMENT OF LAND AND NATURAL RESOURCES, THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, AND KAMEHAMEHA SCHOOLS TO PLAN A TECHNOLOGY-BASED COLLABORATIVE PROJECT ON STATE LANDS, OR OTHER APPROPRIATE LANDS, IN KAKAOKO," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1404-06) recommending that H.R. No. 149, 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. 149, entitled: "HOUSE RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1405-06) recommending that H.C.R. No. 195, 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. 195, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," was adopted, with Representatives

Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1406-06) recommending that H.R. No. 239, be adopted; and

(Stand. Com. Rep. No. 1407-06) recommending that H.C.R. No. 305, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 239 and H.C.R. No. 305, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Thank you, I'm rising in opposition to Stand. Com. Report 1406 and 1407. This is a resolution encouraging the Governor to encourage the President to ratify the Kyoto Agreement. My concern is that the Kyoto Agreement put pretty stringent restrictions on green house gas emissions for developed countries, and no restrictions whatsoever on developing countries such as China and India.

"Having traveled to China with the Governor's group this past summer and seeing the amount of dirty air in the valley coming into ... I can't think of the name right now. But there is a tremendous amount of manufacturing going on in China, and this Kyoto Protocol would do nothing to restrict those countries. They are just pumping out all kinds of bad gases. In fact it's a big problem with the health of many of the people in the cities that are close to this manufacturing center.

"I think that many of the countries that participated in the Kyoto Protocol have had second thoughts as the years have gone by because there are no restrictions on these countries that don't have the same technology that we do as far as controlling emissions that are unhealthy.

"If we were to agree with this, it would set America up in a very uncompetitive way. There would be rules for us that wouldn't apply to many other countries. Seeing the balance of manufacturing, so much has been manufactured in China today, and so I just cannot support this resolution."

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

"Thank you Mr. Speaker, also in opposition for a very different reason, although the previous speaker made very good sense and I agree with her points. But just today, when many of us were in Transportation Committee and we heard from the UH Marine Center, SOEST. And one of the testifiers, I don't know if everybody had the chance to read the testimony, but the testimony said that they've been doing a lot of research on underwater volcanoes and they've determined that those volcanoes are a major contributor to the green house gases on our planet. So I think if we're going to do a resolution, maybe we ought to do one addressing volcanoes."

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

"Mr. Speaker, in strong support. Well first of all, the debate about green house gases and the extent to which man is affecting global climate change is over. It may continue to occur on this House floor, but no credible scientific organization, no credible scientist who is not paid by the oil and gas industry claims that there's any real debate any longer about whether or not global climate change is already occurring. Not whether or not it may occur in the future, but whether or not it's already occurring. The debate is over. No scientist with

any credibility is claiming that, like they did 20 years ago, like they did 10 years ago, like they did 5 years ago, that global climate change is not a real thing.

"The Union of Concerned Scientists, the United Nations Environmental Program, our own School of Ocean and Earth Science and Technology. Again nobody credible in the government, outside the government, in the private sector, other than those employed by the fossil fuel industry, credibly, can claim that global climate change doesn't occur.

"Second of all, I want to address the question of fairness between our country and others. It's a legitimate question. Here's just one statistic. We have less than 2% of the world's population, and we generate more than 50% of the world's green house gases. Less than 2% of the world's population. More than 50% of the world's green house gases. We have to lead in this area. There is just no question any longer.

"And we've got to get beyond our partisanship here. I know that there is bipartisan support for the Kyoto Protocol, both in the Congress, and even in the House Chamber. But we have got to stop digging in and pretending that any Party should be the friends of the oil and gas industry. No Party should be in opposition to moving towards renewable energy and getting a handle on global climate change. We are conducting a giant experiment on the planet and it's just not right. Thank you."

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

"Thank you Mr. Speaker, I rise in strong support of this measure. Given the information, statistics, from the previous speaker, we have the opportunity as a State, if our Governor so chooses, to encourage the United States and take leadership. To take that leadership worldwide. We cannot force another country to change their ways, but what we can do as the most powerful nation on this planet is set the stage for the kind of conversations that make sustainability real.

"One of the things that concerns me as I sit also on the Interparliamentary Unions conversation in Geneva, where the United States is represented by Hawaii in the conversations about indigenous people's right and environmental rights, is that the United States is painfully absent in the conversations in the leadership on how to encourage, and how to have our planet be the kind of place where we can sustain life. So I rise in strong support and encourage this Body to have courage to encourage our Governor and the mayors to have that vision and integrity for Hawaii to be the leaders in this. Thank you."

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

"Mr. Speaker, in strong support also, and just some brief comments. Listening to the debate on the floor this afternoon. I would like to point out, one of the comments that somehow volcanoes pollute more than people. It takes me back, as you remember Mr. Speaker, to when Ronald Reagan was President, he made the famous statement that trees pollute more than people do.

"What we're talking about here is what we can do as human beings to preserve our planet for future generations, for our children and their grandchildren, and the first step is taking action ourselves. If you read the Resolution, it's not just asking the President to adopt the Treaty. His father should have by the way, and he should have. But it's asking the Governor to do so, and that can happen. The Governor can, by Executive action, adopt the treaty if she would like to. She has not done so thus far. There is legislation introduced in this Body that would mandate it, and hopefully that legislation would move in the future. It's an important issue that we must all debate.

"Finally our country being the largest polluter in terms of green house gas emissions, we should take that step. Be a leader. Be a

world leader. And hopefully other countries will follow. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, our ocean temperatures have risen. Our sea levels have risen. The natural disaster events in the world in the last year and a half should be a wake-up call for all of us. I do not look forward to this coming hurricane season. I think Hawaii is very vulnerable. I think we're vulnerable to another tsunami, and I think that we need to be prepared. We need to stop global warming at any opportunity that we have because I think we're in real trouble. Thank you."

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

"Thank you Mr. Speaker, in support. I do support this measure, but I also wanted to add that, adding to the debate on the floor regarding history and the Presidential records, that Theodore Roosevelt is probably hailed in most publications as one of the most environmentally conscious Presidents in history of the US, and I think that some clarity needs to be made on positions of history and Party. Thank you."

Representative Meyer rose to respond, stating:

"Thank you Mr. Speaker. To follow on the good Representative from the Volcano area, 'And the sky is about to fall.' I mean, that's the rhetoric we're hearing here on the floor. The Vice Chair of Water and Land, talked about there's no argument. That's simply is not true. I have gone to countless legislative conferences where you hear both sides of the story. There is still a lot of debate amongst scientists. There may not be in this Chamber, but believe me, in the larger world out there, there is a great deal of disagreement so I am still in strong opposition. Thank you."

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

Thank you Mr. Speaker. I rise in support. First of all, I'd like to adopt the words of the Representative from Makiki as my own. I just wanted to point out that the debate that is now occurring in the United States is a debate of opinion, and many times not based in fact, of people who do not recognize global warming as an issue, and climate change as an issue.

"I encourage this Body to read, Boiling Point by Ross Gelbspan, where there is a coordinated effort in the United States to discredit climate change issues, and this has been an effort that has been ongoing for over a decade. And it is one that's based mainly on opinion, and not fact.

"What I want to point out to this Body is what the United States is missing out on by not looking at climate change as an issue, seriously. We are missing out on economic opportunities. There are some corporations who have recognized climate change, such as General Electric. You can see it in their Eco Imagination campaign, that the environment is important. But the economics most of all, is just as important. And taking new technology, advanced technology to Third World countries to promote energy efficiency and clean energy as opportunities for our industries in the United States to reshape themselves for these kind of initiatives.

"So the environment and economy are going hand in hand, but it really takes a national effort by our national leaders to recognize this and move forward in promoting climate change as a serious issue that we need to take a lead in and all the economic opportunities in technological advancement that our brainpower should be engaged in. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. You know, as a scientist and a historian I've spent a great deal of time reading on these things and I'd like to say to my colleagues across the aisle that nobody is arguing that there aren't global changes, global climate changes. I didn't say that there weren't. And that seems to be the argument. But the argument on the other side didn't say whether or not there are global climate changes. There are. There are also ice ages in the history of the world and there will be more. But the fact that they occur doesn't mean that its only man-made or that man is the biggest contributor.

"If you remember the eruption of Mount Pinatubo, it was shown that that eruption alone lowered the earth's temperature one degree for one whole year. That's more than man can do. We cannot stop hurricanes that we heard about. We cannot stop tidal waves. We are not that powerful. Earth is more powerful than any of us. So I'd like to say that for the other side to say that there is no credible person out there that doesn't believe the way they do, that is absolutely false.

"If you want Mr. Speaker, I'll spend hours here on the floor. I can get all the evidence that you'd like to see and show that people with credible backgrounds, not in the pocket of big oil, because I guess that is the talk that we're hearing here. That if you're not in the pocket of big oil, you would see the true light. Well that's not true.

"Nobody told me my position on this measure. I saw the measure and I thought I would tell you my beliefs on it, because I do believe there is global changes and there will be global changes, and we're not going to stop them. That doesn't mean we can't help clean up the air, clean up the water, clean up the entire environment. But earth does a lot of this damage itself and that's the history of the earth. It will cycle. It's going to get colder, and it's going to get hotter. All of these floods and things that we're seeing now, they've happened before. This is not the first time and it'll happen again no matter what we do."

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

"Mr. Speaker. I would like to speak in favor of this with reservations. Thank you. I think that we are probably suffering from global warming, and you know of course things are very cyclical and we could be in a larger cycle. But I think that all nations should take steps to mitigate the effects of global warming.

"But I rise just to point out that we should proceed cautiously so as not needlessly damage our economy. I believe American Presidents and many European developed countries as well, have not signed the Kyoto Protocol because of this problem. I'd like to also point out that in particular, President Clinton who was in office for four years, never did sign the Protocol either. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 239, entitled: "HOUSE RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," was adopted, with Representatives Meyer and Moses voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF

LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," was adopted, with Representatives Meyer and Moses voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1408-06) recommending that H.R. No. 8, 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. 8, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO CONTAIN AND ERADICATE COQUI FROGS IN HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1409-06) recommending that H.C.R. No. 12, 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. 12, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO CONTAIN AND ERADICATE COQUI FROGS IN HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1410-06) recommending that H.R. No. 241, 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. 241, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1411-06) recommending that H.C.R. No. 307, 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. 307, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1412-06) recommending that H.R. No. 225, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 225, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1413-06) recommending that H.C.R. No. 290, 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. 290, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1414-06) recommending that H.R. No. 75, 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, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ALLOWING CAMPING WITHIN STATE AGRICULTURAL DISTRICTS AND IF FEASIBLE, TO SPECIFY UNDER WHAT CONDITIONS CAMPING SHOULD BE ALLOWED," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1415-06) 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 AGRICULTURE TO STUDY THE FEASIBILITY OF ALLOWING CAMPING WITHIN STATE AGRICULTURAL DISTRICTS AND IF FEASIBLE, TO SPECIFY UNDER WHAT CONDITIONS CAMPING SHOULD BE ALLOWED," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1416-06) recommending that H.R. No. 251, be adopted; and

(Stand. Com. Rep. No. 1417-06) recommending that H.C.R. No. 317, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 251 and H.C.R. No. 317, be adopted, seconded by Representative B. Oshiro.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I would like to speak in support of this measure.

"The ONE Campaign is dedicated to the goal of energizing Americans to lobby Congress for an increase of ONE percent of the U.S. budget in an effort that would transform the futures and hopes of the poorest countries around the world. The ONE Campaign is a part of the international Make Poverty History movement, which works to increase awareness, and to pressure governments into taking actions towards relieving absolute poverty.

"We in Hawaii are not immune from poverty and homelessness. Our support of the ONE Campaign says that we care not only about ourselves, but we care about all people throughout the world.

"By providing ONE percent of the U.S. budget and redirecting that money to honest governments, private charities and faith-based organizations, we could provide the tools and resources they need to really make a difference.

"American support would be part of a compact with poor countries that fight corruption and use their own resources to help their people out of poverty. American leadership would be an example for rich countries in Europe and Asia to do their share to help the poorest people in the world.

"Supporting the ONE Campaign will allow us to help prevent 10 million children from becoming AIDS orphans and get 104 million children into grade school. We can also help to provide water to almost 900 million people around the globe and save almost 6.5 million children under 5 from dying of diseases that could be prevented with low-cost measures like vaccination or a well for clean water.

"The ONE Campaign encourages people of the world to unite one by one to make a better, safer, world for all. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 251, entitled: "HOUSE RESOLUTION COMMENDING THE EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Sonson, for the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1418-06) recommending that H.R. No. 125, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1419-06) recommending that H.C.R. No. 166, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 125, HD 1, and H.C.R. No. 166, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, in opposition. Mr. Speaker, I'm opposed to this because this is asking us to delay services to children and families in communities. The digest version is simply that the

Department of Human Services has changed its management practice to allow better service to families in communities. Apparently meetings are being missed. The workers are not getting to the families. There's a problem. The management plan is being opposed by the workers themselves. They object to the changes.

"No one is saying that delaying this will in any way enhance the delivery of services, and the Department of Human Service's plan is designed to improve the delivery of services. And just briefly, the voting in Committee was 3 noes, and 2 with reservations. That far outnumbers the few ayes. Thank you."

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

"Thank you Mr. Speaker, in very strong support. I talked to both the providers, and I had two discussions with the Administration on this issue. I don't think that the people who put this plan together have any concept of the size of the area that they serve. The area from Ka'u to Hawi and to Honokaa is the size of this island plus Maui. And they want to take that and they want to close all of those rural offices and put them into one office in Kailua-Kona, which incidentally is next to a 'lease a *lua*' storage facility and a crematorium. That in itself troubles me.

"They have never fully manned the Ka'u Office, never. And with the problems that we had with the children and the ice problems in that district, the lack of services, whether it be psychologist, psychiatrist, or paying attention to children, has been a major problem in my area. How can somebody drive to an office in Kailua-Kona, and then try to service Hawi and Honokaa, or South Kona and Ka'u? 'Well maybe they can do it from their homes.' I said, 'Do you have any idea where they live?' 'Well, no.' I said, 'What if they all live in South Kona? Then how is that quote, plan, going to work?'

"Well they came back and they said, 'Well we have one person that lives in Waimea.' So you're going to service that entire Waimea, Honokaa, North Kohala, South Kohala district with one person or somebody coming out of that single office? And if they are working at home, then this argument about supervision makes no sense to me. They've got no support service. Then they say, 'Oh, we're going to give them their own cars to drive.' Well isn't that a great solution.

"Mr. Speaker, we're dealing with children. Children. And efficiency in government at the expense of children makes absolutely no sense to me. And I'm in strong support of the work that the Chairman of Human Services has done on this reso."

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

"Thank you Mr. Speaker, in opposition. Mr. Speaker, the whole reason why I oppose this measure, in my second read and investigating, when I was chosen to be the Chair of Human Services, I took a taskforce out throughout this whole State addressing the Child Protective Agency. Quite frankly, it was in these areas where we have been bombarded with a lot of these issues. Mr. Speaker, the services are still going to go into the communities. What the Department wants to do is to consolidate. In fact the operation in Ka'u will still be in operation.

"I'm afraid Mr. Speaker, a lot of the children are not getting the services and the children are not going to go to the office. We need to get the services out to children, out into their homes. I'm just feeling that, prior to us going out and investigating Child Protective Services, I've been having a lot of complaints by families since we did those investigations and made some changes in the legislation, and now we're getting complaints from social workers. And in this case, the complaints are from the workers, and that's why it convinced me that we need to support the Department in this change. Thank you."

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

"Thank you, Mr. Speaker. I changed my mind on this because at first I was for this Resolution, but in the Committee we heard that Ka'u is not going to be closed up, so this Resolution is not accurate the way it points it out.

"The other problem that convinced me is, and I do support the former Chair of Human Services and Housing, the previous speaker, that I have a lot of problems in my community with the same problems that he has pointed out. And I do believe that the Department convinced me that they are trying to improve the education and the services that are being given out to the people by giving education to some of the workers that really need this kind of work, and need this education. So for these reasons, I have changed my mind and I believe that we should let the community and the Department try to improve their services there because it's not happening right now. Thank you, Mr. Speaker. I am voting no."

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

"I rise in strong support. The Department of Human Services had made a decision, I think, in a vacuum. They did not talk to the community about what I consider abandonment. We're talking about families that may have some problems where the principals and community leaders see problems. I got emails from pediatricians. I got emails from people in the Waimea community that were shocked that this was happening.

"I believe if people read the Resolution, we're not telling the Department of Human Services that their decision is wrong, completely wrong. What we're saying is, if you're going to abandon an office that existed for a long time, you should take it upon yourself to go out, have community meetings and talk about what you're planning on doing. Why you're planning on doing it. And what you're going to do to provide the service to a community that had it for a long time.

"The other thing is that this North Hawaii is growing by leaps and bounds. We've got like major population growth. Some people on the Big Island believe we're actually 3 distinct communities. That's the Hilo-Puna area, the Kona area and also the North Hawaii area which is Honokaa, Hawi, Waikoloa, and Waimea. The population growth is unprecedented in that area.

"When I had the Department of Human Services in my office, what I said to them was, 'Are you going to tell the community and have this discussion about what your short-term and your long-range plan is? Because if this keeps growing at the rate it is, you're going to have to establish an office in North Hawaii. So if this is just a temporary solution because you're having problems supervising workers, tell the community you have to bring everybody back together for training, for reorganizing, to put the effort maybe for a year or two and trying to get reorganized. Tell them that, and don't let them feel like you've just abandoned them.'

"I think the community is shocked by this. And I think all this resolution is doing is saying, we're urging you to delay it temporarily. Get out there and talk to the people. Thank you."

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

"In support, Mr. Speaker. This is quite a difficult situation, Mr. Speaker, because we do want to support the Department in ensuring that we comply with our program improvement plan. One of the goals that we want to accomplish Mr. Speaker, because of the audit that's been done which pointed out that the workers have not been able to accomplish client services in an effective way.

"One measure that they were looking at is face-to-face contact between the social workers from DHS with the foster families. Face to face contact with the families that are affected. So part of the strategy is to have the offices in communities to make it a lot easier for them. That works in some situations. The Department did establish fringe offices, not these, but it works toward the same goal. They've done that in other areas. But why are they doing quite the opposite in this particular region.

"Well it turns out Mr. Speaker, that further investigation into the matter, is that there is this office in Kona, in Pottery Terrace it's called, in Downtown Kona. It is simply too small for the 18 people that work there because now, in order to comply with the reporting the strict standards of reporting in the PIP, they all have to go to the office and work. And within the 5 months that they've been implementing the PIP, they're at each other's throat. Morale is really low in that they are not getting the reports in on time despite the fact that they're in the office because they're fighting for the machines, they're fighting for the computers, etc. So the decision is made to move these 18 people in Kona to a bigger office. Unfortunately a decision came also that said, 'You know what? While we're at it, maybe we can save some money.'

"Let us bring in the 6 people in Kamuela, and I forgot how many people, 12 people I believe, in Captain Cook. Put them all in Kona, and not in Downtown Kona. Let's put them in the fringes of Kona. And as it turns out, from that area it takes an hour and a half just to drive through the seven miles of road that goes from that area to a very special place where they have to report to weekly, which is the court. So now you have a problem with the workers saying, 'Wait a minute. We're supposed to be delivering services to the families that live in the communities. That's why we're here. But at the same time we have to be in Kona, by the airport, to ensure that we are doing our report and go to court.'

Representative Cabanilla rose to yield her time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"But thank you very much. Forgive me Mr. Speaker, Members, because this is a very controversial issue and that's why we delayed decision making on this for weeks so that the Chair and the Committees will hear from the community. And basically what I'm reporting to this Body right now is the result of those investigations. And those investigations are reflected in this measure that's before us, that's been worked on with the help of the Department of Human Services. And they have agreed to this draft and that's why it's going forward.

"Mr. Speaker, the problem is delivering services when you are very far away. So if it takes them about three hours to be on the road to get from the families in Kamuela, and then back to the office, and then to the court, the time is lessened to spend with the families where they are really needed. As the prior Chair of Human Services says, they are full in that aspect, that they should be with their families. Well that's exactly the concern from the workers.

"The workers are saying, 'How can we deliver the services that effectively if we are going to be spending most of our time on the road?' We know that the Chair of Housing who lives on the Leeward side as I do, and should know how hard it is to look at the time being spent on the road and says, 'You know, we could be at the Capitol working on this bill.' Well the feeling is the same on these individuals who want to work with families. They want to be out there working with the families and not on the road commuting.

"What we've done Mr. Speaker, because the other issue that came up is that there was no input from the community and there's no input from the workers themselves as to the feasibility of this move since it was a top-down decision. We have to be very careful also to ensure that the workers have a high morale because if we just say whether

you like it or not. You work for us. You do what we say. I don't think it works, Mr. Speaker.

"What we as public policy makers, we want to make sure that we take care of the workers who are going to be delivering services to the people because the complaint from the people is usually, 'They, we have staff in these offices that are not very friendly. They're always mad. They're always not attentive to us.' And who gets the blame for that? We do. And so the intent of this measure is to delay, it's not to stop, the plan to consolidate these offices. However, it is conditioned only upon having meetings in the affected communities and having a meeting with the affected staff.

"If during those meetings they should change their mind and reconsider, then it is up to the Department, Mr. Speaker. So this does no harm. It does not delay services to the communities. It is just to ensure that the workers, who are very important to us, have a chance and opportunity to tell the Department what may happen if they do make this particular move. Thank you."

Representative Halford rose to respond, stating:

"Thank you very much, Mr. Speaker. I'll be brief because I know this is going a long time just for a short reso. But I wanted to point out something which might have missed many of us. It missed me in the first place when I first heard it. It is that the services being delivered are not delivered in the offices. The services being delivered are in the client's homes, and that's how it's intended. That's what's meant to happen, and too often that's what's not happening. So I wanted to clarify that closing an office in the community does not desert the community, because the clients aren't going to that office anyway. That's just perhaps a convenience location for the workers themselves. So the issue here really is delivering services to the community which is not sufficiently happening now, and creating an office complex that will allow more services to be delivered to the people in their homes. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support very briefly. This is in my community, and it is kind of an issue. A lot of the people involved have spoken to me directly and asked that we have the Department look at it. I just think this resolution will allow them to talk with the community a little bit about it.

"I would just finally add that, based on how contentious this is, it seems almost like we're trying to let someone do a development back of my district with this amount of debate, so its quite surprising. I think it's really a smaller issue. Thank you."

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

"I'm standing in strong support, Mr. Speaker. I just wanted to make a brief comment in regards to what was discussed earlier. The indication that having a centralized unit that will expedite or streamline services may not fully be accurate.

"As an individual that has worked in those kinds of programs at the Family Guidance Center, we also have to include that there's confidentiality factors in which you have to house your files. You have to have mail delivered, or to do other things. You have to have an area that you can meet families who have concerns about you as a worker coming into their home. If there are concerns about the security and safety of the child, you have to have a neutral place where those people feel comfortable. And having people travel 10, 20, 30 miles one way could be considered an unrealistic feat for some of our families out there, Mr. Speaker.

"So again this Resolution asks for them to initiate one, a minimum of one interactive public meeting. If anything in our communities were being affected like a closure of a school, or a development of

some type of wastewater treatment plant, that's the minimum we would be asking. Thank you, Mr. Speaker."

At 1:58 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 2:00 o'clock p.m.

At this time, the Chair stated:

"For the Members of this House, you all realize that we have close to 34 pages on the Order of the Day. The Judiciary Committee and the Consumer Protection Committee was to have a hearing at 2:00. The Chair would like to recommend that we continue on and try to finish up the last 23 pages in 15 minutes. That's my goal. Let's proceed on. For those of you who have written comments, you can submit them for the Journal. Or if you are voting with reservations or in opposition."

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

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

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

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

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

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

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

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations on both measures for her, 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. 125, HD 1, entitled: "HOUSE RESOLUTION STRONGLY URGING THE DEPARTMENT OF HUMAN SERVICES TO TEMPORARILY DELAY REALIGNMENT OF ITS CHILD WELFARE SERVICE OFFICES ON ISLAND OF HAWAII TO ALLOW FOR THE CONVENING OF A PUBLIC, COMMUNITY FORUM TO DISCUSS REALIGNMENT IMPLICATIONS AND POTENTIAL IMPACT ON THE CONTINUUM OF CHILD ABUSE AND NEGLECT PREVENTION, FAMILY SUPPORT, FAMILY STRENGTHENING AND VOLUNTARY CASE MANAGEMENT SERVICES FOR FAMILIES AND CHILDREN," was adopted, with Representatives Hale, Halford, Kahikina and Meyer, voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF HUMAN SERVICES TO TEMPORARILY DELAY REALIGNMENT OF ITS CHILD WELFARE SERVICE OFFICES ON ISLAND OF HAWAII TO ALLOW FOR THE CONVENING OF A PUBLIC, COMMUNITY FORUM TO DISCUSS

REALIGNMENT IMPLICATIONS AND POTENTIAL IMPACT ON THE CONTINUUM OF CHILD ABUSE AND NEGLECT PREVENTION, FAMILY SUPPORT, FAMILY STRENGTHENING AND VOLUNTARY CASE MANAGEMENT SERVICES FOR FAMILIES AND CHILDREN," was adopted, with Representatives Hale, Halford, Kahikina and Meyer, voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1420-06) recommending that H.R. No. 224, 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. 224, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TASK FORCE TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT IN WAILOA RIVER AND HILO BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1421-06) recommending that H.C.R. No. 289, 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. 289, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TASK FORCE TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT IN WAILOA RIVER AND HILO BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1422-06) recommending that H.R. No. 154, 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. 154, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA LANDS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1423-06) recommending that H.C.R. No. 200, 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. 200, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA LANDS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1424-06) recommending that H.R. No. 30, 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. 30, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO PROTECT THE ORDER BATOIDEA, INCLUDING MANTA RAYS FROM POACHING AND FISHING," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1425-06) recommending that H.R. No. 151, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1426-06) recommending that H.C.R. No. 197, 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. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Waters, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1427-06) recommending that H.R. No. 210, 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. 210, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Waters, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1428-06) recommending that H.C.R. No. 270, 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. 270, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

The Chair then announced:

"Members, these measures are now being lateralled to a final Committee so there will be opportunity for another discussion on these resolutions and concurrent resolutions."

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1429-06), recommending

that H.C.R. No. 11, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO STUDY AND REPORT ON SPECIFIC STRATEGIES TO PREVENT THE SPREAD OF COQUI FROGS AND OTHER INVASIVE SPECIES," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1430-06), recommending that H.R. No. 193, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1431-06), recommending that H.C.R. No. 253, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 193 and H.C.R. No. 253, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was referred to the Committee on Finance with Representatives Finnegan, Moses, Pine and Thielen voting no, and with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was referred to the Committee on Finance with Representatives Finnegan, Moses, Pine and Thielen, voting no and with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1432-06), recommending that H.C.R. No. 141, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA

GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO CONSIDER PURCHASING THE MOANALUA GARDENS," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1433-06), recommending that H.C.R. No. 257, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 257, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this Resolution. This Resolution would ask the Auditor to conduct a management and fiscal audit of the Department of Land and Natural Resources. I think that we've seen with all of the rain, that DLNR is charged with a very large responsibility. I think at this point in time, it would take a lot of their resources and time for this audit.

"I would rather see, while we do have, we do have a bill or a resolution for an audit of the Historic Preservation Department. It probably would make more sense to have one division instead of this massive, whole department. So that's why I can't support this."

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

"Just in support, Mr. Speaker. The boating community has been asking for an audit of the DOBOR operations for quite a long time. They had several in the past, and I think another one is due."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FISCAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1434-06), recommending that H.R. No. 148, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1435-06), recommending that H.C.R. No. 194, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 194, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1436-06), recommending that H.R. No. 253, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 253, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE HOUSE RESOLUTION 4167, THE "NATIONAL UNIFORMITY FOR FOODS ACT OF 2005", AND TO ENCOURAGE ONGOING DIALOGUE TO RETAIN STATE AND LOCAL GOVERNMENT CONTROL OVER FOOD SAFETY ISSUES," was referred to the Committee on Economic Development & Business Concerns with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1437-06), recommending that H.C.R. No. 319, be referred to the Committee on Economic Development & Business Concerns.

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. 319, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE HOUSE RESOLUTION 4167, THE "NATIONAL UNIFORMITY FOR FOODS ACT OF 2005", AND TO ENCOURAGE ONGOING DIALOGUE TO RETAIN STATE AND LOCAL GOVERNMENT CONTROL OVER FOOD SAFETY ISSUES," was referred to the Committee on Economic Development & Business Concerns with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Abinsay and Karamatsu, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1438-06), recommending that H.R. No. 147, as amended in HD 1, be referred jointly to the Committee on Hawaiian Affairs and the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was referred jointly to the Committee on Hawaiian Affairs and the Committee on Higher Education with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Abinsay and Karamatsu, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1439-06), recommending that H.C.R. No. 193, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 193, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was referred to the Committee on Higher Education with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1440-06), recommending that H.R. No. 123, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 123, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1441-06), recommending that H.C.R. No. 163, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 1442-06), recommending that H.C.R. No. 95, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 95, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY AND ANALYSIS OF THE ADEQUACY OF PAYMENTS FOR HEALTH CARE FUNDED BY THE STATE AND THE ADEQUACY OF PAYMENTS FOR HEALTH CARE USING RATES ESTABLISHED BY THE STATE," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1443-06), recommending that H.R. No. 63, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 63, entitled: "HOUSE RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1444-06), recommending that H.C.R. No. 83, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was referred to the Committee on Consumer Protection & Commerce with

Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1445-06), recommending that H.C.R. No. 80, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1446-06), recommending that H.R. No. 209, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 209, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1447-06), recommending that H.C.R. No. 269, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1448-06), recommending that H.R. No. 140, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 140, HD 1, entitled: "HOUSE RESOLUTION CONVENING A STUDY GROUP TO EXAMINE THE ISSUES OF MEDICAL NECESSITY AND COST FACTORS FOR CONTINUED REIMBURSEMENT FOR THE COST OF ROUTINE CIRCUMCISION FOR NEWBORN MALE INFANTS IN HAWAII," was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1449-06), recommending that H.C.R. No. 186, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 186, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A STUDY GROUP

TO EXAMINE THE ISSUES OF MEDICAL NECESSITY AND COST FACTORS FOR CONTINUED REIMBURSEMENT FOR THE COST OF ROUTINE CIRCUMCISION FOR NEWBORN MALE INFANTS IN HAWAII," was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1450-06), recommending that H.C.R. No. 38, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 38, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, with reservations. Mr. Speaker, I know this Resolution goes on to Finance and that otherwise, I would have voted no, because the way the way the language is written and so poorly crafted that it doesn't deserve to be passed as it is. But hopefully it's a work in progress so I voted with reservations.

"I also wanted to point out that this is a strange Resolution in how it occurred in Committee. There was only one proponent for this Resolution. That was the House Majority Leader. No one else came to testify for this Resolution. Normally with an audit bill, or quite often anyway with an audit bill, we have the Auditor come by, not to speak in favor of it, but to offer comments. But the Auditor was not there so unusual. I thought it was an unusual hearing. Thank you."

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

"Thank you Mr. Speaker, with serious reservations. This Resolution to me seems to be politically motivated."

The Chair addressed Representative Meyer, stating:

"Representative Meyer, you're out of order because there is no motive or intent in making that statement before this Body."

Representative Meyer: "Mr. Speaker, I think there are motives in many of the resolutions. It would be almost inhuman that people have no motives."

Speaker Say: "Your point is well taken, but it is not going to be recorded, Representative Meyer. Please address the Resolution as it is, on the substance of the matter and not using political motive or intent."

Representative Meyer: "Well it's hard to be honest and to express myself if I can't say that. 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 Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Mr. Speaker, I rise in support of this Resolution. I just wanted to clarify the Representative from Maui's statements regarding the supportive testimony. In fact, not only did the Majority Leader speak in support of the resolution, but we have testimony from Pacific and Asian Affairs Council that says that they welcome the legislative audit and I'll make it available for him to take a look at. In addition the Department of Business, Economic Development and Tourism in their testimony also supported the intent of the Resolution, and they

also mention that they'll fully cooperate with the Auditor. I'm not too sure where the Representative got his information. I was at the same hearing that he was at, and from what I read and I still read today, no one objected to the audit. Thank you, Mr. Speaker."

Representative Halford rose to respond, stating:

"Thank you. To clarify. Assuredly those two Departments if you will, groups, they're not looking to be audited. That is certain. They are being gracious and say they're going to cooperate with the audit, no problem. But assuredly, they were not there to support this. Thank you."

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

"Mr. Speaker, I rise in support. Very briefly, I just wanted to explain. I don't think that actually there's any political motivation behind this. It's actually a question as to how we are to comply with the Procurement Code when people are going to be soliciting private donations. And I think that's the critical issue here, because what we have, as we saw the testimony, as from the packet of information that was provided, was indeed it asked for an exemption from the Procurement Code in order to give a specific vendor a contract.

"The State Procurement Office said, 'No.' And then, a couple of months later, they actually go through a nonprofit and then the nonprofit gave the contract to that same vendor. So all they did was circumvent the Procurement Code. And if that's really what's going on, then we need to have the Auditor take a look at it so that in the future, if there are further ventures like this, as creative as they may be, they need to comply with the law. Thank you."

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

Representative Meyer rose, stating:

"Mr. Speaker, just a point of clarification. The Minority Floor Leader used the term 'politically motivated' and there was no objection to that. The Majority Floor Leader. My point is that you made no objection to him referring to political motivation."

The Chair responded, stating:

"Well he said there was, 'no political motivation', or motive, or intent. That's what he said."

At 2:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:11 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.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE METHODS AND PROCEDURES EMPLOYED BY THE GOVERNOR IN SOLICITING PRIVATE SECTOR SPONSORSHIPS AND CONTRIBUTIONS, IN CASH OR IN-KIND, TO SUPPORT OR DEFRAY THE COSTS OF OFFICIAL GOVERNMENT FUNCTIONS, INCLUDING TRADE MISSIONS," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1451-06) recommending that S.B. No. 2602, 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. 2602, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1452-06) recommending that S.B. No. 2608, 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. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1453-06) recommending that S.B. No. 2244, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2244, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1454-06) recommending that S.B. No. 2597, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1455-06) recommending that S.B. No. 2599, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1456-06) recommending that S.B. No. 2607, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1457-06) recommending that S.B. No.

2609, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2609, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1458-06) recommending that S.B. No. 2930, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2930, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Luke and Caldwell, for the Committee on Judiciary and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1459-06) recommending that S.B. No. 695, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1460-06) recommending that S.B. No. 2462, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2462, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAKENA-KEONEOIO GOVERNMENT ROAD," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1461-06) recommending that S.B. No. 2063, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1462-06) recommending that S.B. No. 2237, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT,"

passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1463-06) recommending that S.B. No. 2382, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2382, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising with very strong reservations on this bill, Relating to Taxation. While there are many sound provisions in the bill, the real poison pill is the requirement that the State Tax Office collect the half percent excise tax for the City and County of Honolulu.

"I thought it was clear from communications and articles in the newspaper last year that there was some kind of an agreement between the Governor and the leadership in the House and the Senate, that a provision would be made that the County would have to collect that, and that does not seem to be happening. Thank you, Mr. Speaker."

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

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

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

"Thank you. In opposition, Mr. Speaker. As one of the previous speakers said, I mean it was quite evident when we passed this measure that we said that the State would not collect the tax. And now we are. So it's the same thing as if we passed the tax. So I hope everybody realizes that. This Body passed a half a percent increase in the State GET tax."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Finnegan, Marumoto, Moses, Pine and Thielen voting no, and with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1464-06) recommending that S.B.

No. 2550, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2550, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like a no vote please, and Mr. Speaker, brief remarks. Thank you, Mr. Speaker. The description should read, as it does in the bill, that this establishes the Kakaako Central Small Business District, returns zoning and land use controls for the Kakaako Central Small Business District to the jurisdiction of the City and County of Honolulu, and places a restriction on infrastructure construction and street improvements in the Kakaako Central Small Business District by the HCDA.

"If Members were relying on what is on the Order of the Day, which kind of tracks what goes along with the bill. I'm not making a complaint to the Clerk or the Clerk's Office, but the description isn't correct. It's picked up in another way and it did not pick up the actual impact of what this bill will do.

"As Members decide what to do on this measure as it goes on to Third Reading, I wish that they would remember the Whole Foods type of situation. And Mr. Speaker, just to let you know what that operation will do for agriculture in our State. I found out they're going to devote 10,000 square feet to the produce section, and they have a commitment to obtain produce from local farmers. They don't seek to bring it in from overseas or other places of that nature. That's 10,000 square feet. That's a ready market that's available for our consumers with produce right from the fields onto our dinner table plates.

"I think if we do this and dismantle, in effect, HCDA, we're really taking a step backward. I would hope this measure would not make it through. Thank you."

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

"Thank you, Mr. Speaker. Please enter my no vote on this matter. First of all, the City and County does not want Kakaako back. They can't afford it. This is a State redevelopment area. We've invested millions of dollars, and millions of man hours. Businesses have invested their lives. And corporations have invested millions of dollars also into Kakaako. We made a decision. We need to stay the course and not tamper with returning this to the City and County of Honolulu.

"Also I'm a small business advocate, and I think as I rise here with a no, I'm probably going to be assassinated as I walk down ID-11. I'm sorry ID-11. But you know, I have owned businesses in Kakaako since the early '90s and late '80s, and on every one of those I have had to pay substantial improvement assessments and they're horrible. We have, as a business community, asked that the City step up and give us a credit on property tax because you're paying for improvements and property taxes, and I know exactly what these people are talking about.

"HCDA has done the best, and as a member of the Kakaako Improvement Association, we also reached out to the business at ID-11 because it is a very unique improvement area because there are such a minimal amount of businesses that are being impacted by the assessment. However, almost 100% of those businesses have had their problems addressed by HCDA and all but, I believe, just one.

"We need to get that street improved. More people are going to get injured on that street because it is in such an unimproved area.

So let us continue with the task at hand, with the infrastructure of Kakaako, and leave it where it is with HCDA. Thank you."

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

"Thank you, Mr. Speaker. I'm just rising with strong reservations. I understand that a lot of the small businesses there on Queen Street are afraid that they are not going to have parking, deliveries would be very difficult, but as far as this, this is a lot of money has been spent, and you know they are trying to plan to bring things up. So it would just be like this little island in there that wouldn't be improved. I don't think that's very good planning. Thank you, Mr. Speaker."

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

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

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

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

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

"Thank you, Mr. Speaker. With reservations. The City said perfectly straight forward, they don't want it. So we can't just say, 'You got it,' and not do anything. Thank you."

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

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

"I stand in support. Thank you. I was at the hearing on this, and there were a lot of small businesses there in strong support of this. Mainly they felt it was time to let them help in their own destiny, and that they felt they could hold their elected City and County Council members, hold them accountable on what's to be done in their small business district. They felt that Kakaako, or the HCDA, had lost touch. That their mindset was to do these tall towers, residential towers, and to develop high density urban development and they were going to displace them.

"They felt very strongly that we should support this and I think they have a legitimate argument. Being it is a small district, it is within the city limits, and that they can work with their local elected officials in determining what their destiny is, and have those community meetings and have that input. So I supported them, and I still support them. Thank you."

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

"Mr. Speaker, thank you. I stand in support. Thank you. I wanted to just quote one of the testifiers from that hearing and it was one of the small business owners. He said, 'With HCDA, we're doomed. With the City and County, we have hope.' 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. 2550, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Harbin and Thielen voting no, and with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1465-06) recommending that S.B. No. 3051, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3051, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1466-06) recommending that S.B. No. 3111, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3111, SD 1, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

At this time, the Chair stated:

"Members, at this time, please note the 48-hour notice for Standing Committee Report Nos. 1467-06 to 1494-06, listed on pages 24 through 30 of the Order of the Day."

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1467-06) recommending that S.B. No. 2454, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1467-06 on S.B. No. 2454, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2454, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1468-06) recommending that S.B. No. 995, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1468-06 on S.B. No. 995, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 995, SD 1, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1469-06) recommending that S.B. No. 2274, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1469-06 on S.B. No. 2274, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2274, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1470-06) recommending that S.B. No. 2476, SD 2, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1470-06 on S.B. No. 2476, SD 2, HD 3 was deferred and in accordance with Article III, Section 15 of the Constitution of the

State of Hawaii, printed copies of S.B. No. 2476, SD 2, HD 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1471-06) recommending that S.B. No. 2487, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1471-06 on S.B. No. 2487, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2487, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1472-06) recommending that S.B. No. 2617, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1472-06 on S.B. No. 2617, SD 2, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2617, SD 2, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1473-06) recommending that S.B. No. 2753, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1473-06 on S.B. No. 2753, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2753, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1474-06) recommending that S.B. No. 2773, SD 3, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1474-06 on S.B. No. 2773, SD 3, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2773, SD 3, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1475-06) recommending that S.B. No. 2901, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1475-06 on S.B. No. 2901, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2901, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1476-06) recommending that S.B. No. 3003, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1476-06 on S.B. No. 3003, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3003, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1477-06) recommending that S.B. No. 3037, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1477-06 on S.B. No. 3037, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3037, SD 2, HD 2, were made available to the members of the House.

with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2687, HD 1, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1493-06) recommending that S.B. No. 2762, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1493-06 on S.B. No. 2762, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2762, SD 1, HD 1, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1494-06) recommending that S.B. No. 2986, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1494-06 on S.B. No. 2986, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2986, SD 2, HD 2, were made available to the members of the House.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1495-06) recommending that S.B. No. 2090, 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. 2090, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1496-06) recommending that S.B. No. 2143, 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. 2143, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1497-06) recommending that S.B. No. 2229, 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. 2229, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS' HOUSING," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Cabanilla voting no, and Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1498-06) recommending that S.B. No. 2479, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2479, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm shocked. You figured me out. I would like to vote with reservations on 1498. I once again, would like to advise this Body of the potential impact of this SPRB and the ramifications of Chapter 104. 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. 2479, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

S.B. No. 2479, HD 1, passed Third Reading in the following form:

S.B. No. 2479, HD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION.

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 VII, section 12, of the Hawaii State Constitution, to authorize the State to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural enterprises.

SECTION 2. Article VII, section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.

2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.

3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:

a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or

b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity,

governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing, or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public by not-for-profit corporations;
4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs; [øf]
6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities[-];or
7. Agricultural enterprises.

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; and provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

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

"Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural enterprises?"

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

SECTION 5. This amendment 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. 1499-06) recommending that S.B. No. 2598, 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. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1500-06) recommending that S.B. No. 2606, 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. 2606, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO BAIL," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1501-06) recommending that S.B. No. 2643, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2643, 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 rising in opposition to Senate Bill 2643, House Draft 1. My real concern is that by making the changes that we're considering here, we could increase the cost for vocational rehab services because people can now start getting vocational rehab services while recovering from an injury. It will result in higher premiums. The measure could increase the cost for employers and insurance carriers from \$6.1 million, which it is now annually, to about \$62 million. And that's a big jump. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'd like to register a no vote on this measure. This measure attempts to move those that are on temporary disability into the ability to self-refer themselves into vocational rehab. This is a very bad bill, regardless of its intentions. The small business community is still reeling from the thought that we could even introduce something that would be so dramatic in the increase of benefits when it comes to workers' comp.

"I have been have received many calls, many concerns. In fact, the business community, the small business community is so concern and overwhelmed, they just didn't even show up. What's the sense? So with that being said, I promised them that I would follow this bill through Conference Committee. I will work with the Conferees, and encourage them to understand that this is a very bad bill. And I will do everything in my power to stop it, and bring home the demise of this bill. Thank you."

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

"Mr. Speaker, brief comments in support. The bill that we're voting on here today that moved out of Finance, is the same bill that the Labor Committee amended after listening to testimony from the business community. In that testimony, they asked that if this bill is to go forward, at least provide a provision for light duty so that the employer can find alternative light duty for this person, instead of sending them right on to voc rehab. They would support that.

"We listened to the business community. We put that amendment in. The Finance Committee has kept it in. And it would be moving forward. I think it actually addresses their concerns and gives an alternative. It helps the injured worker who has no other alternative to at least try light duty. If it doesn't work out long term, then yes, they deserve voc rehab. Thank you very much, Mr. Speaker."

Representative Harbin rose to respond, stating:

"Mr. Speaker, a slight rebuttal. It's unfortunate that some of us here that sit on the Labor Committee have not the historic involvement in workers' comp reform as some of us have had back in the '90s. Light duty is such a wonderful concept, and I think everybody in business would love to have light duty. I know I did. But light duty, when you're a small business, becomes this very elusive thing because it is very difficult because you don't have the ability to take an employee that is making \$40 an hour in a very specialized part of your business, and sit them down under a tree in a

parking lot to count how many people go in and out because that would be the light duty.

"When coordinated care passed in the '90s, that was one of the biggest issues that we had in allowing for light duty was to be able to send someone in that could help a business owner understand their business sufficiently, that they could develop a light duty policy. That is a real issue. So for this Legislature to sit here and say, 'Oh well, go figure it out business people because if you don't, we're going to impose \$62 million worth of benefits on you that you're just going to have to pay additional premiums on because you're not able to develop light duty.' This is another one of those making laws without understanding the ramifications, the true ramification, and it's really unfortunate that some of us weren't around in the '90s to understand what light duty is about. Thank you."

Representative Moses rose, stating:

"Brief point of information. I don't see light duty refer to in the measure at all.

At 2:29 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 2:31 o'clock p.m.

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

"Thank you, Mr. Speaker. That confirms my opposition to the measure."

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

"Mr. Speaker, I have serious reservations about the measure. When it applies to small businesses too, where they only have one or two or three employees, the light duty is not practical. And then, when we end up increasing the voc rehab population, I think we're going to then increase the workers' compensation payments that the small businesses will have to pay.

"I don't sit on the Labor Committee, but I just have a gut feeling that this is going to hurt our small businesses in the State. So my serious reservations have just tipped over to a no vote. Thank you."

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

"Thank you, Mr. Speaker. I would like a no vote with just quick comments. I kind of believe after listening to the testimony, that this bill might actually delay services to injured workers until a determination can be made of whether or not the worker can return to his previous or is suitable for light duty.

"We heard testimony that the rehab unit is grossly understaffed and has no one that's really qualified to make such a decision. So for those reasons, I'll be voting no. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2643, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Third Reading by a vote of 37 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Marumoto,

Meyer, Moses, Stevens and Thielen voting no, and with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1502-06) recommending that S.B. No. 2704, 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. 2704, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1503-06) recommending that S.B. No. 2720, 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. 2720, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Stonebraker, Saiki, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1504-06) recommending that S.B. No. 2984, 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. 2984, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1505-06) recommending that S.B. No. 3253, 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. 3253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1506-06) recommending that S.B. No. 2593, 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. 2593, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1507-06) recommending that S.B. No. 2050, 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. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1508-06) recommending that S.B. No. 2051, 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. 2051, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1509-06) recommending that S.B. No. 2263, 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. 2263, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Stonebraker, Saiki, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1510-06) recommending that S.B. No. 2332, SD 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. 2332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1511-06) recommending that S.B. No. 2581, SD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2581, SD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker. On 1511, in opposition. This is allowing retired police officers and correction officers to serve warrants to get rid of the backlog. We keep hearing about a backlog of 62,000 warrants, but there's a more realistic figure that's maybe down in the 50,000 range. Most of those are traffic warrants. Some of the other warrants the State knows perfectly where they are, out of state. And it cost a lot more to bring them back for their discretion and to leave them where they are, as long as they're out of state. So the real number of warrants comes down to a very, very small amount. It's not the 62,000 number.

"The police department said, 'We don't want these people, these retired officers out there with guns, who aren't going to go back to regular training and regular firearms training etc.' The Attorney General said they don't have the authority to designate and regulate who the individual persons who would be authorized to do this. Would these people become employees of the State? Who would pay them? Who would be responsible for their liability if the State is saying you go out and serve it? There are many, many questions, so I'm in opposition."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2581, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS," passed Third Reading by a vote of 43 ayes to 2 noes, with Representatives Moses and Thielen voting no, and with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1512-06) recommending that S.B. No. 2737, 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. 2737, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE INVERTEBRATES," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

At 2:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:35 o'clock p.m.

At 2:36 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2090, SD 2, HD 1	S.B. No. 2984, SD 1, HD 1
S.B. No. 2143, SD 2, HD 1	S.B. No. 3253, SD 1, HD 1
S.B. No. 2229, SD 2, HD 1	S.B. No. 2593
S.B. No. 2479, HD 1	S.B. No. 2050
S.B. No. 2598	S.B. No. 2051
S.B. No. 2606, HD 1	S.B. No. 2263, SD 1
S.B. No. 2643, SD 1, HD 1	S.B. No. 2332, SD 2
S.B. No. 2704, SD 2, HD 1	S.B. No. 2581, SD 1
S.B. No. 2720, SD 2, HD 1	S.B. No. 2737, SD 1, HD 1

THIRD READING

S.B. No. 2929, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

At 2:37 o'clock p.m., the Chair noted that S.B. No. 2929, HD 1, passed Third Reading.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. Just to remind the Members Friday is annual Hemp Aloha Friday, and wear a hemp shirt or a natural fiber shirt in honor of Earth Day.

"And then on Monday we have the Easter Basket delivery to the Institute of Human Services at 3:00 at the entry to the Rotunda area. I hope that Members are putting together their Easter Baskets with usable items for the women's shelter. Thank you."

Representative Takai: "Thank you, Mr. Speaker. Today is a bittersweet day because House Resolution 282, the floor presentation, was in fact, our last one. I think this past Session, we've had a great deal of floor presentations and I know some of us in this Chamber were concerned about some of the floor presentations that have occurred, and the process and protocol.

"But you know, from this seat, Mr. Speaker, and where I stand, I think Representative Yamane has done a great job in coordinating our floor presentations this year. In fact, over the past 12 years that I've been here, I think that this year has been the best. So I just wanted to recognize him, and point out to him publicly that he's done a fine job for us, and I hope he continues next year. Thank you, Mr. Speaker."

ADJOURNMENT

At 2:39 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, April 6, 2006. (Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai were excused.)

HOUSE COMMUNICATION

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

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, a copy of which is attached hereto:

S.B. No. 2479, H.D. 1, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION."

Said measure passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,
/s/Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

FORTY-FIFTH DAY

Thursday, April 6, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:13 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Josh Green, M.D., after which the Roll was called showing all members present with the exception of Representatives Stevens, Stonebraker and Takamine, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 448 through 472) were received and announced by the Clerk:

Sen. Com. No. 448, informing the House that the Senate has, on April 4 [*sic*], 2006, reconsidered its action taken on March 30, 2006, 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. 2506, "RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE."

Sen. Com. No. 449, transmitting S.C.R. No. 2, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 450, transmitting S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 451, transmitting S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING SOCIAL EQUALITY FOR ALL OF HAWAII RESIDENTS," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 452, transmitting S.C.R. No. 70, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 453, transmitting S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ISSUES HOSPITALS FACE WITH REGARD TO WAIT LISTED PATIENTS IN HAWAII IN NEED OF LONG TERM MEDICAL CARE," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 454, transmitting S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES"," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 455, transmitting S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO

IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 456, transmitting S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL CAMPAIGN TO RAISE AWARENESS AND INFORM WOMEN ABOUT MENOPAUSAL HORMONE THERAPY AND DESIGNATING SEPTEMBER AS MENOPAUSE AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 457, transmitting S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 458, transmitting S.C.R. No. 147, 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 5, 2006.

Sen. Com. No. 459, transmitting S.C.R. No. 170, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES HOUSE OF REPRESENTATIVES SUPPORT AND PASS H.R. 4259, THE VETERANS' RIGHT TO KNOW ACT, WHICH CREATES A COMMISSION TO BRING RELIEF TO VETERANS INVOLVED IN PROJECT 112 AND THE SHIPBOARD HAZARD AND DEFENSE PROJECT AND OTHER INCIDENTS OF CHEMICAL OR BIOLOGICAL TESTING," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 460, transmitting S.C.R. No. 193, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CALLING UPON THE GOVERNOR OF HAWAII TO TAKE STEPS TO WITHDRAW THE HAWAII ARMY AND AIR NATIONAL GUARD TROOPS FROM IRAQ," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 461, transmitting S.C.R. No. 204, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 462, transmitting S.C.R. No. 229, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 463, transmitting H.C.R. No. 15, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 464, transmitting H.B. No. 2208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 465, transmitting H.B. No. 2885, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 466, transmitting H.B. No. 2691, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 467, transmitting H.B. No. 2780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 468, transmitting H.B. No. 3101, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 469, transmitting H.B. No. 3242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 470, transmitting H.B. No. 3256, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 5, 2006.

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 Stevens, Stonebraker and Takamine were excused.)

H.B. No. 2691, SD 2 H.B. No. 3242, SD 1
H.B. No. 2780, HD 1, SD 1 H.B. No. 3256, HD 1, SD 1
H.B. No. 3101, HD 1, SD 1

Sen. Com. No. 471, dated April 5, 2006, 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. 386, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 771, HD 1, SD 1	Chair: Hanabusa Members: English, Whalen
H.B. No. 877, HD 2, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 1233, HD 1, SD 1	Chair: Hanabusa Members: English, Whalen
H.B. No. 1984, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 2282, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 2299, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 2508, HD 2, SD 1	Chair: Inouye Co-Chair: Ige Members: Espero, Slom
H.B. No. 2897, HD 1, SD 1	Chair: Hanabusa Members: English, Hee, Whalen
H.B. No. 3016, HD 1, SD 1	Chair: Hanabusa Members: Chun Oakland, Whalen
H.B. No. 3253, SD 1	Chair: Hanabusa Members: English, Whalen

Sen. Com. No. 472, dated April 5, 2006, 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. 706, SD 2, HD 2	Chair: Inouye Co-Chair: Hanabusa Members: Espero, Trimble
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INTRODUCTIONS

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

Representative Takai, on behalf of Speaker Say and Representative Takumi, recognized the students, advisors and staff of School SkillsUSA.

Representative Magaoay introduced third-grade students of Sunset Beach Elementary, accompanied by teachers, Ms. Rex Dubiel and Ms. Jan Olsen; and parents and supporters.

Representative Moses introduced members of Save Our Race Track.

Representative Arakaki introduced from Japan, staff writer for the Social Security News Department of Yomiuri Shimbun, Mr. Nobuaki Suzuki, and US Department of State Interpreter, Mr. Joji Sato.

Representative Green introduced his office manager, Mr. Alex Malabey; and friends, Ms. Jaime Ushiroda, and Dr. Greg Miranda.

Representative Lee, on behalf of Representative Yamane and herself, introduced Ms. Lori Higashi from Mililani High School SkillsUSA, 1st place winner in the Job Interview Category at the national competition.

Representative Hale introduced her neighbor from Puna, Hawaii, Ms. Luana Jones.

Representative Tanaka introduced from Lahaina Intermediate School SkillsUSA, faculty, Tony and Darryl; and students, Kaila, Ciara, Fallon, Everette, George, Nicole, Joyce, Stephanie, Michael and Evan.

Representative Tsuji introduced from Waiakea High School SkillsUSA, Mr. Derrick Kiyon and Mr. Daryl Pietor; and from Keaau High School SkillsUSA, Mr. Jun Pagala and Mr. Koby Kobayashi.

Representative Cabanilla introduced fifth-grade students of Ewa Elementary, accompanied by teachers, Mrs. Alma Devera, Mrs. Kelijene Tengan and Mrs. Linda Forendo.

Representative Pine recognized students from Campbell High School SkillsUSA, accompanied by advisors, Mr. Walden Zane, Mr. Wendell Tashiro and Mr. Justin Delos Reyes.

Representative Harbin introduced the Executive Director of Citizen Voice, Mr. George Fox; and the President of Kokua Council, Mr. Larry Geller.

Representative Morita introduced students from Kapaa Middle School SkillsUSA and Chiefess Kamakahelei Middle School SkillsUSA, accompanied by advisors, Mr. Ryne Terao, Mr. Rolando Dace and Ms. Wendy Hustad.

Representative M. Oshiro introduced his friend from Wahiawa, Mr. Darryl Munetake.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R.

Nos.

Referred to:

45	Committee on Public Safety & Military Affairs
46	Committee on Transportation
86, SD1	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
108	Jointly to the Committee on Human Services and the Committee on Health
110	Committee on Transportation
115, SD1	Jointly to the Committee on Health and the Committee on Human Services
119, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
129	Committee on Health
137	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources
184, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources

COMMITTEE REASSIGNMENT

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

H.C.R.

No.

Re-referred to:

192	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
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SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1384-06) recommending that S.B. No. 3049, 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. 3049, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

At 12:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3049, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," passed Third Reading by a vote of 47 ayes, with Representatives Marumoto, Stevens, Stonebraker and Takamine being excused.

At 12:33 o'clock p.m., the Chair noted that S.B. No. 3049, SD 1, HD 1, passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1513-06) recommending that H.R. No. 58, 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. 58, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1514-06) recommending that H.C.R. No. 76, 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. 76, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representatives Magaoay and Ito, for the Committee on Legislative Management and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1515-06) recommending that H.R. No. 197, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.R. No. 197, be adopted, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. I just want to stand in strong support. This is a very good way of meeting the objectives of both the House and the Administration. The House will get the information we need for Homeland Security, and the material will still stay confidential. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.R. No. 197, entitled: "HOUSE RESOLUTION ESTABLISHING THE SELECT HOUSE COMMITTEE ON HOMELAND SECURITY REVIEW," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1516-06) recommending that H.R. No. 179, 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. 179, entitled: "HOUSE RESOLUTION STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1517-06) recommending that H.C.R. No. 238, 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. 238, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1518-06) recommending that S.B. No. 2298, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2298, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1519-06) recommending that S.B. No. 2260, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2260, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1520-06) recommending that S.B. No. 2265, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2265, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1521-06) recommending that S.B. No.

2327, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1522-06) recommending that S.B. No. 2922, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2922, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support of Senate Bill 2922, Relating to Campaign Spending. Thank you. I do have a few concerns. Really the basic concern is that we're not hearing the bill that would have prevented donations from lobbyists, but since that's not before us, I won't discuss that measure.

"Mr. Speaker, I'm a bit confused about the provision on page 2. It states that a person other than an individual, and what this means is a corporation or a union, using funds from its own treasury may make a one-time transfer during a two-year election period of an unlimited amount of money into its own non-candidate committee. That's the section that I have a question about, Mr. Speaker. I know then once the money is in the union's non-candidate committee, political action committee account, or the corporation's political action committee account, then they are limited to a specific donation per candidate. In other words, if it's the House of Representatives they can give no more than \$2,000.

"What I'm asking about is this: does this one-time only mean one time only? That in other words, in 2006, the corporation or union can put the money in. Or is it a one time only per election period? And does that mean then that the union or the corporation puts the money into its political action committee account one time during the two-year election period, this two years, the next two years, etc, and onward? And if the Judiciary Committee Chair would yield to a question or if she would rather take a recess. I'm a bit confused about this one section."

The Chair then stated:

"Representative Luke, will you yield to a question?"

Representative Luke rose to respond, stating:

"I'll be happy to yield to the question, but I didn't see the distinction between her first question and the second question so maybe we better take a recess."

At 12:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

Representative Thielen continued, stating:

"Thank you Mr. Speaker. I appreciated the Judiciary Chair's and Vice Chair's explanation on this. It does mean that a union or a corporation can select one time period during a two-year election

period in which they can put money into their political action committees to then give donations to candidates. They can't later during that same two-year election period put more money into it. So it's a baby step toward campaign spending reform, but it really is not nearly as effective, Mr. Speaker, as if we could outlaw lobbyists campaign donations in totality. Thank you. And it's not on the subject matter before us, so I will not continue down that line. Thank you."

Representative M. Oshiro rose, stating:

"Mr. Speaker. The speaker basically articulated my reasons for objecting, but I'll go one step further, Mr. Speaker. That those remarks that refer to that issue not before us be stricken from the Journal."

The Chair then ruled, stating:

"The Chair will make that decision as we progress."

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

"On the same measure, Mr. Speaker, I'm just rising in support with one minor concern. My concern is as many bills progress through the Legislature they have defective dates and this one does too. I'm just concerned that maybe it will become retroactive to last year, and affect those of us, which I'm sure is all of us here who have been abiding by the current statutes. And I don't want to see a change in the law halfway through, very close to the election. Thank you."

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

"Just the same reservations, Mr. Speaker. I haven't really been able to pinpoint yet, but I just don't feel very good about this bill. Thank you."

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

"Mr. Speaker, I rise in support of this bill. Very briefly, this actually is a change in the law that's necessary because the Attorney General says that there is a current conflict in Chapter 11 and they need clarification, and that's why we're doing this.

"That's why it's addressing only two issues. It's a very small bill and it's not that entirely comprehensive. But just to challenge what the speaker from Kailua said. We previously passed House Bill number 3101, and that was a campaign spending comprehensive bill that made multiple changes and already went over to the Senate and has just come back and is on our desk. So I don't know what she's talking about, 'baby steps,' because all this is, is a technical fix that the Attorney General said we needed. And that's why we're passing this."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. The baby steps are because we're not outlawing campaign donations by lobbyists. Thank you."

The Chair then stated:

"Representative Thielen, you're out of order with that statement."

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

"Mr. Speaker, just one clarification, in strong support. When the Legislature passed the campaign finance reform bill last year, what it did was effective January 1st of 2006, we put certain restrictions on union and corporate contributions from the treasury.

"The effect of that is any corporation and any union that wanted to stack the amount from their treasury into their PAC, they were able to do so and they were allowed to do so by the Campaign Spending Commission as long as it was done before January 1st, 2006. So those corporations and unions that are *akamai* in the campaign spending law and knew what was going on, they actually were able to put in whatever amount, an unlimited amount for an unlimited time from the treasury into their PAC.

"However, those corporations and unions that did not either consult with the Campaign Spending Commission or did not know that these changes were made, were kind of left out in the cold. So it's a kind of inequity that we're trying to fix for those people who actually did communicate with the Campaign Spending Commission or those people who are more in tuned with what's going on with the Legislature. But there are tons of corporations, there are tons of entities, who actually do not follow all the bills, and do not follow what's going at the Legislature. So this is trying to address the inequity for some corporations who were able to put in an unlimited amount and for those corporations that were not able to."

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

"Mr. Speaker, I rise with reservations. I came to this Body with specific issues that were on my priority list, and this is a rather peripheral one. But as I sit here, again coming from my former life of being a citizen-participant, it's very disillusioning when I see bills that are as important as this, dealing with such an important subject matter being called, 'baby steps,' being called, 'cleaning up things.' We need to take more than baby steps Mr. Speaker. We need to take giant steps.

"The people that I talk to on the streets are really disillusioned with us, really disillusioned. And to say to them, don't worry, sit back, just continue to be disillusioned with us and don't go to the polls because we're taking baby steps is a terrible, terrible thing for this Body to keep saying. And I want us to take a big step if we're going to take one, this Session and send a message that we're ready for citizen participation. Thank you."

Representative Pine rose to respond, stating:

"I'm sorry, Mr. Speaker. I had reservations because of what the speaker from Kailua said but now I have even stronger reservations about this bill because of what the Chair of Judiciary said. So basically my understanding is that people who followed the law are not going to be giving any more. But we're going to make it legal for everyone else who forgot to give before January 1st, 2006 to be able to give to us now because they didn't follow the law. So anybody that gave to us from January 1st to now, we're trying to make it legal because we forgot to get donations from them before that. That's what it's sounding like and that's why I'm rising again. Thank you."

The Chair then stated:

"Members, we have had a lot of discussion on this measure. This is Second Reading and for those of us who have already spoken on Second Reading, the Chair will entertain your comments to insert it in the Journal on Third Reading, at this point and time. This is Second Reading, Members. You'll get another opportunity."

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

Representative Thielen rose, stating:

"May I change my eye to a vote with reservations, please," 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. 2922, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1523-06) recommending that S.B. No. 2226, 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. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1524-06) recommending that S.B. No. 2296, 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. 2296, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

At 12:48 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2226 S.B. No. 2296, SD 1

THIRD READING

S.B. No. 2290, SD 2, HD 1 and S.B. No. 2292, SD 2, HD 1:

Representative M. Oshiro moved that S.B. Nos. 2290, SD 2, HD 1, and 2292, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose in support of both measures 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 strongly support this S.B. No. 2290. I think it is very important that this Legislature do everything possible to protect the citizens of the State from identity theft. I am glad that the problem is being taken so seriously and that there are multiple bills moving through the Legislature. This bill is especially admirable in that it requires that businesses notify those whose information has been compromised in the event of a security breach. That will allow the potential victims to be aware of possible problems and to monitor their credit report. With that kind of advanced notice, persons will be able to take action to prevent any incident from occurring that could be very costly to them. It is very important that we attack the problem of identity theft from all angles and this bill is one that would put some more power into the potential victims' hands. Thank you, Mr. Speaker."

"Mr. Speaker, I am rising in strong support of S.B. No. 2292, HD 1. Identity theft is no small problem. This Session we have been confronting the crime from multiple directions by increasing penalties for criminals, giving citizens greater control, and now by requiring businesses to be more responsible with the disposal of personal information they are entrusted with. If we are to get the

problem under control, it is necessary that we approach the problem from as many sides as we can. This bill is a necessary step in eradicating identity theft from our society. Requiring businesses to destroy information rather than merely discarding it will prevent criminals from gaining easy access to other people's personal information. This is a very important step towards restricting access to identity information and thereby reducing opportunities for criminals. I am confident that we can significantly reduce the cost of identity theft to our citizens by the passage of this bill. Thank you, Mr. Speaker."

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

"Thank you Mr. Speaker, I'm rising in support of both measures also, 2290 and 2292. These both deal with identity theft and a means to try to prevent that. And I think that they're bills that are very, very necessary in today's modern electronic age. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2290, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused; and

S.B. No. 2292, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

S.B. No. 2602, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2602, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

S.B. No. 2608:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

At 12:49 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2290, SD 2, HD 1 S.B. No. 2602, SD 1
S.B. No. 2292, SD 2, HD 1 S.B. No. 2608

ANNOUNCEMENTS

Representative Takamine, for the Committee on Finance requested a waiver of the 48-hour advance notice requirement to hear: S.B. No. 1734, Relating to Taxation; S.B. No. 1648, SD 1, HD 1, Relating to Tuition Assistance; and S.B. No. 2323, SD 2, HD 1, Relating to Federal Revenue Maximization in the Judiciary, to be heard today on Agenda 1A, at 2:30 p.m. following the bills on Agenda 1, in Room 308, and the Chair "so ordered."

Representative Takamine, for the Committee on Finance also requested a waiver of the 48-hour advance notice requirement to hold decision making on S.B. No. 2897, SD 2, HD 2, Relating to Procurement, today following Agenda 3, in Room 308, and the Chair "so ordered."

Representative Moses: "Thank you, Mr. Speaker. I ask that the Finance Chair explain to the Body why it's necessary to hear Senate Bill 1734 at this late time and date, without adequate public notice."

At 12:51 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

Representative Green: "Thank you Mr. Speaker. Just a brief reminder for my colleagues that the Hawaii Health Care Task Force is meeting today for an informational briefing at 1:30, in Room 224. It's going to be a very informative look at the single payer model that was generated by the Lewin Group, and we have the actual author of the report so he'll be there available for questions. It's pretty stimulating. Thank you, Mr. Speaker."

Representative Thielen: "Thank you Mr. Speaker. Just a reminder, tomorrow is our early celebration of Earth Day and be sure to wear your natural fiber shirts. No nylon. Thank you."

ADJOURNMENT

At 12:55 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 7, 2006. (Representatives Stevens and Stonebraker were excused.)

FORTY-SIXTH DAY

Friday, April 7, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Dr. Saleem Ahmed of All Believers Network, after which the Roll was called showing all members present with the exception of Representatives Herkes, Pine and Shimabukuro, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 473 through 492) were received and announced by the Clerk:

Sen. Com. No. 473, transmitting S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE MAINTENANCE SERVICE SECTION OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 474, transmitting S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE ON SUPPLY OF CONTRACTORS AND TRADESMEN IN TIMES OF NATURAL DISASTER TO STUDY THE EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 475, transmitting S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 476, transmitting S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ISSUE OF RECLASSIFYING VARIABLE ANNUITY CONTRACTS AS INSURANCE RATHER THAN SECURITIES," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 477, transmitting S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF THE LAHAINA BYPASS PROJECT AS A TOP PRIORITY AND, IN COOPERATION WITH THE COUNTY OF MAUI AND STAKEHOLDERS, DEVELOP STRATEGIES TO REDUCE MOTOR VEHICLE USE INTO AND OUT OF LAHAINA ON THE ISLAND OF MAUI," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 478, transmitting S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 479, transmitting S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT

THE HA'IKU ELEMENTARY SCHOOL CAFETERIA BE KNOWN AS THE JEAN SUZUKI CAFETERIA IN HONOR OF FORMER HA'IKU ELEMENTARY SCHOOL CAFETERIA EMPLOYEE JEAN SUZUKI," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 480, transmitting S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO IMPROVE THE SYNCHRONIZATION OF TRAFFIC SIGNALS ON ALA MOANA BOULEVARD BETWEEN PUNCHBOWL STREET AND KALAKAUA AVENUE, AND TO ASSUME JURISDICTION OF THAT SAME PORTION OF ROAD IN THE INTEREST OF PROMOTING SAFE TRAFFIC FLOW," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 481, transmitting S.C.R. No. 104, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND UNITED STATES CONGRESS TO PROVIDE STATES WITH THE NECESSARY FUNDING TO IMPLEMENT THE GOALS OF THE NO CHILD LEFT BEHIND ACT OF 2001 AND OTHER EDUCATION-RELATED PROGRAMS AND TO OFFER STATES WAIVERS OR EXEMPTIONS FROM RELATED REGULATIONS WHEN FEDERAL FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION IS DECREASED," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 482, transmitting S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT CHANGES TO THE NO CHILD LEFT BEHIND ACT OF 2001," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 483, transmitting S.C.R. No. 158, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 484, transmitting S.C.R. No. 159, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PESTICIDES ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH ESTABLISHING AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 485, transmitting S.C.R. No. 160, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE APPLICABILITY AND USE OF THE AGRICULTURAL INCOME CAPITALIZATION APPROACH AND OTHER METHODOLOGIES TO STABILIZE THE REOPENING OF RENTS FOR DEPARTMENT OF AGRICULTURE'S AGRICULTURAL PARKS," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 486, transmitting S.C.R. No. 163, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING A HAWAII STATE GEOLOGICAL SURVEY," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 487, transmitting S.C.R. No. 165, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND UNITED STATES DEPARTMENT OF EDUCATION TO SUPPORT THE GOALS OF THE NO CHILD LEFT BEHIND ACT (NCLB) BY INCREASING FUNDS FOR FEDERAL EDUCATION INITIATIVES AND AFFORDING MORE FLEXIBILITY TO STATES IN RELATION TO NCLB," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 488, transmitting S.C.R. No. 166, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EVALUATE THE AIR COOLING NEEDS OF EACH SCHOOL COMPLEX AND TO REVIEW THE FEASIBILITY OF USING ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 489, transmitting H.B. No. 1878, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," which passed Third Reading in the Senate on April 6, 2006.

Sen. Com. No. 490, transmitting H.B. No. 2313, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on April 6, 2006.

Sen. Com. No. 491, transmitting H.B. No. 2443, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," which passed Third Reading in the Senate on April 6, 2006.

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 Herkes, Pine and Shimabukuro were excused.)

H.B. No. 1878, SD 1 H.B. No. 2443, HD 1, SD 1
H.B. No. 2313, SD 1

Sen. Com. No. 492, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 2090, SD 2, HD 1 S.B. No. 2704, SD 2, HD 1
S.B. No. 2143, SD 2, HD 1 S.B. No. 2720, SD 2, HD 1
S.B. No. 2229, SD 2, HD 1 S.B. No. 2737, SD 1, HD 1
S.B. No. 2479, HD 1 S.B. No. 2929, HD 1
S.B. No. 2606, HD 1 S.B. No. 2984, SD 1, HD 1
S.B. No. 2643, SD 1, HD 1 S.B. No. 3253, SD 1, HD 1

INTRODUCTIONS

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

Representative Caldwell, on behalf of Representative Saiki and himself, introduced 5th grade students from Hokulani Elementary School and their teachers, Ms. Laurie Dela Cruz and Mr. Steve Kent.

Representative Berg then recognized Ms. Laurie Dela Cruz as a nationally recognized, We the People teacher.

Representative Green introduced his friend, Ms. Nicole London of New York.

At 12:16 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:40 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.C.R.

Nos.

Re-referred to:

42, Committee on Tourism & Culture, then to the
HDI Committee on Finance

248 Committee on Finance

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1467-06) recommending that S.B. No. 2454, 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. 2454, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1468-06) recommending that S.B. No. 995, 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. 995, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I will be voting no on this measure and I would just like to make a few brief remarks. Mr. Speaker, in addition I would like to request that my additional remarks be placed in the Journal," and Chair "so ordered."

Representative Thielen continued, stating:

"Thank you. Mr. Speaker, the year before I took the bar examination, the bar applicants to become licensed attorneys took that examination, and 100% of them passed. The real question was: What in earth was going on that had never happened ever in the history of the bar exam? And people were thinking, 'Okay, who was it that they wanted to have pass that exam?' So in other words, to make sure that that happened, they passed 100% of the applicants.

"The difficulty I have with this bill is that it somewhat smells of the same situation. That we may be trying to protect certain members of the Judiciary so let's change the age and remove the mandatory retirement age. Well as the Attorney General and others testified, that's a bad idea for a number of reasons. We don't want to have age discrimination, but we do want to encourage bright, new, young minds to look at moving up the ladder and ultimately becoming a justice of the Supreme Court. If we allow people to serve, really in perpetuity, then we're not going to have those openings. We won't have the new ideas coming in, and we won't have the change of the court the way we have the change in society.

"I don't think it's a good idea, Mr. Speaker. And the other thing is if we're truly not trying to protect the jobs of some of the Justices that are in there, then we would only make the bill effective upon the termination of the existing Justices' term of office. So for those reasons and others that will be in my remarks in the Journal, I oppose the bill. Thank you."

Representative Thielen's written remarks are as follows:

"The retirement age for judges is necessary for the spirit of rotation. Two bills working their way through the Legislature would repeal the mandatory retirement age for state judges and justices by amending the State Constitution. One bill, SB 2797, would increase the retirement age from 70 to 80; and the other, SB 995, would eliminate the retirement age for judges completely. As an older legislator, I believe any form of age discrimination is wrong and should be prevented, but in this particular case, having a retirement age is reasonable when important factors are considered. Of course, there must be legitimate reasons why almost all (49) states have mandatory retirement ages for judges. And in Hawaii, the current retirement age of 70 has been in effect since statehood and was reaffirmed in the 1978 constitutional convention.

"The main argument for having a retirement age is that there are no term limits for judges. Once a judge, or justice, is appointed to the bench, he or she can serve indefinitely. Having a retirement age serves as a term limit so that the other bright attorneys have an opportunity to be appointed through vacancies. As the Attorney General said in his testimony to the Legislature, "Regular turnover invigorates the judiciary by bringing fresh ideas and greater diversity to the bench." This goal would be greatly hindered if we eliminated the retirement age requirement. It would also impact morale, as well as upward mobility for younger judges.

"Furthermore, if this law were passed, it should not apply to the judges who are currently serving on the bench. When these judges, or justices, took their seats, they did so knowing they could retire at age 70. Passing such a retroactive law now raises red flags that there might be a hidden agenda to keep certain judges on the bench – certain liberal judges. If Governor Linda Lingle is reelected in November as predicted, she will have the opportunity to appoint 12 judges and 1 justice by the end of her second term in 2010. A total of 13 judges will be hitting the retirement age of 70 and opening up vacancies for other hopeful attorneys. Passing a retroactive law would prevent these positions from opening up, and restrict the Governor from making any appointments. Applying this law to judges who are currently on the bench would be a purely political move.

"And politics should not be an issue. Governor Lingle has already appointed judges during her time, and her selections were anything but political. Her first appointment, in 2003, was that of former Democrat federal court nominee James Duffy. Both Republicans and Democrats were happy with the Governor's selection for the state Supreme Court position. Governor Lingle made a non-partisan pick in the best interest of the Court, which needed, at the time, a candidate who could help unify sometimes-fractious justices. Before Duffy's nomination, Democrat lawmakers believed there was little chance Duffy would be appointed because he was too politically aligned with the Democrats. But Governor Lingle, in true bipartisan spirit, appointed Duffy because he would bring "a good demeanor to the court."

"In 2005, Governor Lingle appointed another judge, former Deputy Prosecuting Attorney Randal Lee, to the Circuit Court on Oahu. Both Democrats and Republicans described Lee as a fair and honest man, who was good choice for the seat. Lee had been the City's top white-collar crime prosecutor, had conducted the investigation on former Mayor Jeremy Harris for campaign spending law violations, and also prosecuted Michael Kahapea in the Ewa Villages case. Lingle's selection of Lee was not a political one, but instead based on Lee's extensive experience, both as a prosecuting

attorney and as a public defender, and his broad understanding of the judicial system.

"Looking at Governor Lingle's track record, it is safe to assume that she will make fair and impartial decisions when it comes to appointing judges as seats open up during her tenure. So let's keep the mandatory retirement age, in the spirit of rotation and fresh ideas, and trust our Governor to select candidates who uphold the values of all of us. After all, we elected her to make these decisions."

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

"Thank you, Mr. Speaker. I am also in opposition. We heard testimony that this would just be discrimination, if we require mandatory retirement ages, but I think there are mandatory retirement ages throughout the United States for certain occupations. I mean military, police, fire come to mind. You could say those require physical abilities that might deteriorate with age. Of course, our elders are more able to maintain their mental abilities now than ever before, but still there could be limits placed. So it's not just a matter of saying you cannot discriminate based on age totally, because that's not true.

"I think that normally applies to hiring, not requiring a certain ability or whatever upon asking for retirement. So I think that's just a bogus excuse. The real purpose behind this is well-known, and it's well understood. It never was thought of before, during all the previous administrations. It's only now, and that just smells."

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

"Mr. Speaker. In strong support, Mr. Speaker. We heard some testimony about what this bill supposedly does, and I wanted to just bring some reality to it. Right now Mr. Speaker, to become a judge in our State court system, you're selected by the Judicial Selection Commission. And from that list the Governor picks someone who is then confirmed by the Senate. After ten years, you're reviewed and if you are found qualified by the Judicial Selection Commission, you can continue to serve.

"So it's not an indefinite service forever. And at the age of 70, you retire. We were told when we heard this bill by the AARP and others that it was discriminatory. And it was pointed out that for example, the federal court system that we operate under, out here in Hawaii and throughout the United States, there is no mandatory retirement age, nor is there a retirement age in the United States Supreme Court. Both those systems work very well. We have very wise jurist who have given incredible decisions through the 250 some-odd years that our countries been around.

"I think what we're proposing here actually addresses the concerns raised because it does not do away with the ten year requirement that they reevaluate whether you will continue to serve. So if someone is of an age where they feel they no longer should serve, the Judicial Selection Commission can make that determination. So it's a good amendment, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am very much in support of this. I do believe that it is discrimination. I know that I came in, in 1998 at age 82, and maybe I have some conflict on this, but at every election, the people have put me back so far even though I'm way over 70. So I really cannot support any opposition to this because I think it is really discrimination. It's going to be up to the people to decide whether or not this is right, so I support it very strongly. 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. 995, SD 1, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT

TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," passed Third Reading by a vote of 38 ayes to 9 noes, with Representatives Evans, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

S.B. No. 995, SD 1, HD 1, passed Third Reading in the following form:

S.B. No. 995, SD 1, HD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES.

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

SECTION 1. The legislature finds that in today's society, individuals are living longer, healthier lives, as evidenced by the growing number of older individuals throughout the country as well as the world. The legislature further finds that a benefit of our aging society is the wisdom, experience, and skills that these older individuals possess, which should be both valued and respected, particularly in the workforce.

The legislature determines that the antiquated notion that all individuals are no longer mentally or physically fit to be contributing members of the workforce once they reach a certain age must be abolished. This point is particularly striking when examining the age restriction placed upon Hawaii's justices and judges, who are highly educated individuals who have served as learned members of the bar and now the bench. The wealth of knowledge and experience in interpreting Hawaii's laws that is retained by these individuals is invaluable to the residents of Hawaii.

SECTION 2. The purpose of this Act is to propose an amendment to article VI, section 3, of the Constitution of the State of Hawaii to repeal the mandatory retirement age of seventy for all state court justices and judges.

SECTION 3. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to ~~such~~ the appointment. If the senate ~~shall reject~~ rejects any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial

commission. If the chief justice fails to make the appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. The senate must hold a public hearing and vote on each appointment within thirty days of any appointment. If the senate fails to do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; COMPENSATION; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of ~~such~~ the justice or judge for the period provided by this section or by law.

There shall be a salary commission to review and recommend salaries for justices and judges of all state courts. Justices and judges shall have salaries as provided by law. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. ~~They shall be retired upon attaining the age of seventy years.~~ They shall be included in any retirement law of the State."

SECTION 4. The question to be printed on the ballot shall be as follows:

"Shall the mandatory retirement age of seventy for all state court justices and judges be repealed?"

SECTION 5. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 6. This amendment shall take effect on July 1, 2020, 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. 1469-06) recommending that S.B. No. 2274, 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. 2274, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1470-06) recommending that S.B. No. 2476, 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. 2476, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Nishimoto and Souki voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1471-06) recommending that S.B. No. 2487, 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. 2487, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I will be voting no on this matter. As I have expressed in the past, the idea with the uproar that we had from the community, is the lack of community input into who is sitting on the Authority. All this does is it adds the ability for two more individuals, the President of the Senate and the Speaker of the House, to have unilateral appointment to the Authority, thereby creating another 'us and them' situation, again without the community, the people who are truly impacted. 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. 2487, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Halford, Harbin, Meyer and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1472-06) recommending that S.B. No. 2617, 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. 2617, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. This bill basically does not allow the DHS to exercise some of the flexibility that they need in order to expend the TANF funds. And one of the concerns that I have, or one of the notes that I have here is basically, being on the Health and Human Services Committee, Jack Tweety, the Legislature's National TANF Consultant, provided comments that included, but were not limited to, recommendations that the Legislature not pass a law that specifies dollar amounts or percentages of TANF funds that should be expended on specific purposes or types of services, with the exception of the transfer authorized by federal law to CCDF and the SSBG. Instead he commented that the Legislature identify outcomes and require DHS to report on the achieving of these outcomes with TANF funds.

"And when I look at the bill, it does not do that. It goes against his recommendation, Mr. Speaker. So what I would like to also talk about is that in regards to that flexibility, the Legislature didn't take a look at some of the spending that is already happened within the flexibility of DHS, the current programs that they're funding. And

I'm afraid that some of those current programs could be cut because of the way the bill is written. Thank you."

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

"Just briefly, I have some concerns Mr. Speaker, on the measure. I will vote with reservations. DHS is required to establish outcomes as it is now, but after looking at this measure, it appears that the outcomes will become attributable to the Legislature instead of DHS. I guess that means that the Legislature will be liable then for any good or bad outcomes. DHS was adamant in that the bill reduces their flexibility, so again, we are managing what DHS is doing and not DHS. Thank you."

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

"Thank you, Mr. Speaker. I am just standing up in support of the TANF measure, SB 2617, SD 2, HD 1. I'd just like to make a couple of clarifications. We have passed in our biennium budget certain provisos regarding the TANF funds. As you know Mr. Speaker, we received about \$98 million a year in federal funds, and we put about \$70 million in general funds into this TANF program.

"What we did in the budget is that we ensured that the reserves that we have, which are currently at \$113 million as of the end of the federal fiscal year or September 30th, I believe, for '05, \$113 million. What the provisos did is ensure that out of the current funds, out of '05-'06, \$35 million will not be spent on any programs, and that will go to the reserves. But at the same time, the reserves of \$113 million, which can only be used for assistance, we capped it at \$45 million, which means that \$45 million will be taken out by the Department in order to fund assistance in '05-'06, which they have done. So essentially what we've done is made sure that it's reduced by \$10 million per year.

"What happened in interim Mr. Speaker, is that now there was an over abundance of RFPs that went out and those contracts have been signed, that will spend the \$35 million out of the current funds. This means, now the Department is asking this Body to release them from the proviso. Meaning, let them spend the \$35 million out of the \$98 million current funds. If that was done Mr. Speaker, what will eventually happen is that there will be a \$45 million reduction in the reserves. In 2 years, that will be \$90 million. So also in 2 years, we will only have \$25 million in the reserves. The agreement or the agreed upon amount of money that should be in the reserves is around \$40 million. So that will not work, Mr. Speaker.

"Now in addition to that, if we fund for two years, \$45 million worth of programs that's being contemplated here by the Department, then after the reserve money is gone, what do we do? That means that we know have to find general funds, approximately \$45 million, to satisfy this need that's been developed in the community. This bill Mr. Speaker, is a work in progress, but what we're trying to do is work with all the affected parties. We worked with the Department. We worked with the providers that are out there waiting for their funding for the programs in their contracts have been established. To try to ease this reduction in the reserves so it's not so drastic. So in two years, when there is no money in the reserves, it will not be such a drastic demand out there that we cannot meet with general funds. So this is a work in progress."

Representative Finnegan rose to respond, stating:

"Thank you Mr. Speaker, still in opposition. Just a couple of things. Last year we passed out a bill that recommended that the Legislature go out to the community to take a look at TANF spending, and we did not follow through on that. However, DHS did and thanks to the good work of our Chairperson of the Human Services Committee, he did go along and sent representatives to participate in those meetings. The Department of Human Services is really trying their best to get out there in the community to find out what their needs are, and that is what is reflected in some of these RFPs that are going out.

"So it has a lot of community input. And on top of that, it's what we requested of ourselves that DHS did on their own, and I think that there is a lot of money in reserves and across the nation. Most Legislatures are looking at ways that we can spend that money flexibly, instead of looking at ways of how to keep it, especially when there are needs out there that can help with prevention. That's what the flexible dollars are for. 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. 2617, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," passed Third Reading by a vote of 44 ayes to 3 noes, with Representatives Ching, Finnegan and Kahikina voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1473-06) recommending that S.B. No. 2753, 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. 2753, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1474-06) recommending that S.B. No. 2773, 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. 2773, SD 3, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of Senate Bill 2773, SD1, HD2

"Mr. Speaker, I believe that the passage of SB2773, SD1, HD2, will support some of the significant adverse effects due to the recent announcement of pending closure of Del Monte Fresh Produce. Currently, many employees, retirees, and their families live in plantation homes owned by the company at the Kunia and Poamoho camps. With the closure of Del Monte Fresh Produce, many of these families face the possibility of losing their homes.

"SB2773, SD1, HD2, will allow the above-mentioned parties to conduct joint efforts to assess and take action on housing issues and other concerns in this closure of Del Monte Fresh Produce.

"This measure would allow for establishment of supportive services such as low interest loan or grant programs for the acquisition, rehabilitation, or reconstruction of homes in the Kunia

and Poamoho camps for the pineapple workers or retirees displaced by this recent closure.

"I grew up in the Mill Camp of the Waialua sugar plantation in the 1950s and '60s. Plantation camps were once a way of life that so many of Hawaii's rich cultural traditions were preserved, shared and then passed on through the generations. There was a sense of kinship, love, trust, gratitude, ethnic tolerance and pride shared among those who lived with in the camps. These are the values that make Hawaii a truly great state, and they were forged in the sugar and pineapple plantation camps. It is ironic that as we celebrate the 100th year anniversary of Filipino immigration to Hawaii, we say good-bye to the plantation era that promised them a good life so many years ago. For me the loss of the way of life is as important as the end of an industry.

"We now have a serious obligation to help the workers transition to another life. We also have a responsibility to remember the plantation camps with gratitude for the values they instilled to generations of Hawaii's people.

"Thank you Mr. Speaker, and I ask my colleagues to support me on this bill. Malama Pono."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2773, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1475-06) recommending that S.B. No. 2901, 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. 2901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1476-06) recommending that S.B. No. 3003, 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. 3003, 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. As was previously mentioned, many of these are works in progress so I will vote with reservations and make my comments known to the Body.

"First the pros. The bill establishes a wrap-around benefit for the Part D prescription plan designed to help fill Part D coverage gaps. Passage of the legislation will help seniors better afford their Medicare Part D insurance. That's good.

"But then we have some comments from the Attorney General. Under this current draft of the bill, if only one of those Medicare prescription drug plans provides a full coverage prescription drug benefit, then SPAP will not be available to those persons enrolled in Medicare prescription drug plans that provide less than full coverage.

"And the bill creates an additional obligation on the part of DHS to understand all aspects of all Hawaii Medicare prescription drug plans and to make recommendations to individuals on which of those plans that are most beneficial. The choice of the best plan may not be clear, particularly since the best plan for any particular individual can change from month to month as the individual's health care needs

change. This could result in claims by enrollees against the DHS who are dissatisfied with their Medicare Prescription Drug Plans selected with DHS's advice. 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. 3003, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM.," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1477-06) recommending that S.B. No. 3037, 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. 3037, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising to speak against this measure. Thank you. Mr. Speaker, this bill would provide money to those people that suffered some damage in the Manoa flood a few years ago. Mr. Speaker, I can understand the Representative from that area wanting those people to be able to get some funds to help cover those damages.

"The concern I have is that the losses statewide are much more massive, from flooding that we have recently experienced. I'd like to just quote from the *Star-Bulletin* article that appeared on Wednesday just very briefly. "Homeowners throughout this State who suffered property damage or had to relocate because of the recent deluge of rain and flooding would be able to recoup up to 10% of their expenses in the form of a tax credit under a bill advancing in the Legislature." The article goes on to say that the proposal was originally aimed just at the victims of the 2004 Manoa floods, but it's been expanded.

"That's the way we should go, Mr. Speaker. We should make a bill, or pass a bill through that much more broadly compensates homeowners that have suffered from flooding damage. I think I mentioned briefly to you all before that where I previously lived, I went through two floods with water and mud up to two and a half feet in depth, and it was pretty devastating. No flood insurance. It just was really a problem. But anyway, the concern I have is this is just very special interest legislation, when we should be looking at a much more broader solution. The other bill with the tax credit for all flood victims is better.

"The other problem I have with this is, there's no means test whatsoever. So homes in Manoa, I doubt that they are under the average home price, which I believe is 600-and some odd thousand dollars now. I will imagine with a Manoa address and the proximity to downtown work places, those homes can be squeaking up to being a million dollars. We aren't saying there should be a means test for the money we would be giving to these people, and I don't think that's a good idea either. Thank you."

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

"Thank you, Mr. Speaker. With all due respect, I rise in opposition to this bill. Thank you. With all due respect to my colleague who is looking out for his community, in the recent torrential rainfall that we had in the past few weeks. I have three *'ili*: Aina Haina, Niu Valley, and Kuliouou, where residents are suffering from the same sort of situation, so I respectfully request too, that when this goes to Conference that we look at a broader conversation. Thank you."

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

"Thank you, Mr. Speaker. I rise with a very strong no on this measure. It gets very, policy wise, very difficult for me to support something that is so specific to an area. I think that we need in the State of Hawaii need to really, or the leaders in the Legislature, especially the introducer of this bill, the great Senator from Manoa, that we realize that these type of damages are a State issue, not a district issue. And we need to look at this from the bigger picture and make sure that we spread our resources over all of our people, not just a specific area where it's who you know, and who you are. Thank you."

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

"Mr. Speaker, just brief comments in support. I think some of the concerns raised are very valid, and it's actually good to see that in the Senate there are vehicles moving. The Governor has now gotten on board and supports some form of tax relief. I just want to explain to all the Members, the reason why it generated first in Manoa is that Senator Taniguchi and myself saw that over the past year and a half, there was so much that government does for infrastructure, but very little that they can do for individuals who are impacted. So you have situations, and this is true throughout Hawaii, you have many seniors who live in homes that are well above \$650,000, the average price for a home, but on a fixed income. And they're struggling to find the money to buy a new mattress, to buy carpets, to do those kinds of things, and they're looking for some type of assistance.

"\$10,000, which is the amount they would get. It won't make them whole, but it tells them that somehow that government wants to try and help. The concern about income is a valid one, and therefore the Water, Land Committee very wisely did put a requirement of \$75,000 income limit so it would not help those above that.

"It perhaps needs more tweaking, and I think this bill can be looked at as it goes into Conference, as a way to make sure that it's done correctly if its expanded across the State. That there is a means test. That there is no double-dipping. And I think that in the end we're going to see a bill that will come out that will be clean and benefit all the citizens for our State that have been affected by the flooding. Thank you very much, Mr. Speaker."

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

"I'm sorry. Can I register a vote with strong reservations, and just a couple of brief comments? One of the reasons, and I'm not going no. I'm going with reservations. One, is there's a defective date on it so I know its going to Conference, but I want to point out what disturbs me is that the title is saying, Relating to the Relief of Manoa Flood Victims. What I'm hoping is that there are other vehicles on flooding in the State. This is really good to have a discussion about how people are impacted over the short-term and long-term regarding flooding, but in the end, that this particular bill does not survive. 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:

"Thank you, Mr. Speaker. Although a federal program under FEMA provides for individual assistance to disaster victims, the State did not meet the minimum criteria to be eligible for that program during the recovery period of the Manoa Flood Disaster of October 30, 2004. Therefore, many victims who did not possess flood insurance personally absorbed all of their property loss. A number of these victims are the elderly on fixed incomes.

"However, consideration should be given to appropriating the funds and administering the aid based on the need for reimbursement rather than handing out a flat tax credit for each flood victim."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3037, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS," passed Third Reading by a vote of 41 ayes to 6 noes, with Representatives Berg, Hale, Harbin, Kahikina, Meyer and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1478-06) recommending that S.B. No. 3054, 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. 3054, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1479-06) recommending that S.B. No. 3072, 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. 3072, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1480-06) recommending that S.B. No. 3084, 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. 3084, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"On 1480, I want to stand up with a no on this one. The biggest problem I have with this is really giving the Chairman and the Board of Land and Natural Resources so much power. I know that it's subject to review by the Attorney General, and the Board has to go back and they confirm it, but the experience, at least as long as I've been here at the Legislature, is that the Chair of the Board of Land and Natural Resources has an awful lot of power. I just see this as extending that to him, and at this time, I would not agree with that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3084, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Berg, Carroll, Evans and Shimabukuro voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1481-06) recommending that S.B. No. 3197, 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. 3197, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. On Stand. Com. Report 1481, I'd like to ask for a ruling on a potential of conflict of interest. My firm does work that has involved the litigation involving substitute teachers, but I don't work on that case," 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. 3197, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1482-06) recommending that S.B. No. 3254, 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. 3254, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1483-06) recommending that S.B. No. 427, 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. 427, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"I wanted to speak on, if it's all right, I'll speak on 1483. I'm going to be registering a no vote. This is the bill that keeps coming back to the Legislature on child restraints, and the problem I have with this is we have a lot of families that are poor, or they have a lot of children. And until the State steps up to the plate and actually pays and can provide these families with passenger restraint seats, I think we set up a lot of our families to break the law. I have a problem with that."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 427, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Evans voting no, and Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1484-06) recommending that S.B. No. 951, 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. 951, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1485-06) recommending that S.B. No. 2006, SD 3, 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. 2006, SD 3, HD 2, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," passed Third

Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1486-06) recommending that S.B. No. 2213, 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. 2213, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Finnegan offered Floor Amendment No. 1, amending S.B. No. 2213, SD 2, HD 2, as follows:

SECTION 1. Senate Bill No. 2213, Senate Draft 2, House Draft 2, is amended by designating Section 1 of the bill as Part I and deleting sections 2 and 3, to read as follows:

"PART I

SECTION 1. Section 663-10.95, Hawaii Revised Statutes, is amended to read as follows:

~~["§663-10.95 Motorsports facilities; waiver of liability.{"}] (a) Any waiver and release, waiver of liability, or indemnity agreement in favor of an owner, lessor, lessee, operator, or promoter of a motorsports facility, which releases or waives any claim by a participant or anyone claiming on behalf of the participant which is signed by the participant in any motorsports or sports event involving motorsports in the State, shall be valid and enforceable against any negligence claim for personal injury of the participant or anyone claiming on behalf of and for the participant against the motorsports facility, or the owner, operator, or promoter of a motorsports facility. The waiver and release shall be valid notwithstanding any claim that the participant did not read, understand, or comprehend the waiver and release, waiver of liability, or indemnity agreement if the waiver or release is signed by both the participant and a witness[~~;- provided that -a~~]. A waiver and release, waiver of liability, or indemnity agreement executed pursuant to this section shall not be enforceable against the rights of any minor ~~[or the minor's representative.], unless executed in writing by a parent or legal guardian.~~~~

(b) The execution of a waiver and release, waiver of liability, or indemnity agreement shall create a presumption that the person signing the document read and understood the document.

~~[(c) For the purposes of this section:~~

~~"Motorsports facility" means land, building, structure, or area designed or modified for motorsports activities including the track and surrounding area wherein a motorsports or other event involving motor vehicles is held and which is clearly demarcated as a restricted area to spectators. "Motorsports facility" shall not include the areas intended for use by spectators or nonparticipants.~~

~~"Owner" means a person or entity which owns or holds fee simple title to, or a leasehold interest in, a motorsports facility or any portion of a motorsports facility, and shall include without limitation, a fee owner or lessor of the underlying land, a lessee, or sublessee, or a sublessor or master lessor, of a motorsports facility or a portion thereof.~~

~~"Participant" means a person who is participating in a motorsports event at a motorsports facility, including practices or trials, as a rider, passenger or driver, official, or owner of a vehicle or equipment used in a motorsports, or anyone assisting any of the foregoing, or a person entering an area of the motorsports facility restricted to participants.]~~

~~[(d) (c) A waiver and release, waiver of liability, or indemnity agreement executed under this section shall be construed as an express assumption of risk on the part of the party executing such a waiver and release, waiver of liability, or indemnity agreement.~~

~~[(e) (d) This section shall not apply to acts or omissions constituting gross negligence, wilful and wanton conduct, or intentional acts on the part of another participant or employees or agents of the motorsports facility.~~

~~[(f) (e) The provisions of this section shall not apply to any motorsports facility unless the facility has a general liability policy of no less than \$1,000,000 for spectators and no less than \$500,000 for participants, per claim, indemnifying participants and spectators for the negligence of the facility, its employees or agents.~~

~~[(f) Without regard to whether a waiver and release, waiver of liability, or indemnity agreement has been executed pursuant to subsection (a) and without regard to subsection (e), no public entity or public employee shall be liable to a participant, for injury or damage sustained during the person's use of a motorsports facility, except when the injury or damage is caused by a condition resulting from the public entity's failure to design, maintain, or repair the motorsports facility. This limitation of liability for public entities and employees applies only to the provision of motorsports facilities and shall not extend to other activities, including but not limited to police and security, ambulance and medical, fire, food concessions, and other non-motorsports activities or functions.~~

~~[(g) For the purposes of this section:~~

~~"Motorsports facility" means land, building, structure, or area designed or modified for motorsports activities, including the track and surrounding area wherein a motorsports or other event involving motor vehicles is held and which is clearly demarcated as a restricted area to spectators. "Motorsports facility" shall not include the areas intended for use by spectators or nonparticipants.~~

~~"Owner" means a person or entity that owns or holds fee simple title to, or a leasehold interest in, a motorsports facility or any portion of a motorsports facility, and shall include without limitation, a fee owner or lessor of the underlying land, a lessee, or sublessee, or a sublessor or master lessor, of a motorsports facility or a portion thereof.~~

~~"Participant" means a person who is participating in a motorsports event at a motorsports facility, including practices or trials, as a rider, passenger or driver, official, or owner of a vehicle or equipment used in a motorsports event, or anyone assisting any of the foregoing, or a person entering an area of the motorsports facility restricted to participants."~~

SECTION 2. Senate Bill No. 2213, Senate Draft 2, House Draft 2, is further amended by adding a new Part II, to read as follows:

"PART II

SECTION 2. Chapter 671, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

"§671-A Limitation on noneconomic damages. Notwithstanding section 663-8.7, noneconomic damages as defined in section 663-8.5 shall be limited in medical tort actions against obstetricians, obstetrician gynecologists, and trauma care providers, to a maximum award of \$500,000.

§671-B Attorney's fees. (a) An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for a medical tort in excess of the following limits:

- (1) Forty per cent of the first \$50,000 recovered;
- (2) Thirty-three and one-third per cent of the next \$50,000 recovered;

- (3) Twenty-five per cent of the next \$500,000 recovered; and
- (4) Fifteen per cent of any amount recovered which exceeds \$600,000.

The limitations shall apply regardless of whether the recovery is by settlement, arbitration, or judgment, or whether the person for whom the recovery is made is a responsible adult, an infant, or a person of unsound mind.

(b) If periodic payments are awarded to the plaintiff pursuant to section 671-E, the court shall place a total value on these payments based upon the projected life expectancy of the plaintiff and include this amount in computing the total award from which attorney's fees are calculated under this section.

(c) For the purposes of this section, "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorney's office overhead costs or charges are not deductible disbursements or costs for such purpose.

§671-C Assessing percentage of negligence. Upon request of any nonsettling healthcare provider against whom a plaintiff alleges a medical tort-causing injury, the trier of fact shall consider, in assessing any percentage of negligence or other fault, the negligence or other fault of all alleged parties, including the negligence or other fault of any person or entity who has entered into a settlement with the plaintiff for the claimed damages, even when the settlement has been determined to have been made in good faith, pursuant to section 663-15.5.

§671-D Proportionate allocation of economic damages. The amount of economic damages allocated to a healthcare provider in a medical tort action shall be based upon the healthcare provider's proportionate percentage of negligence or other fault.

§671-E Noneconomic damages. (a) If the trier of fact renders a verdict for the plaintiff in a medical tort action, the court shall enter judgment of liability against each defendant healthcare provider in accordance with the percentage of negligence or other fault for compensatory damages that is attributed to the healthcare provider by the trier of fact.

(b) Joint and several liability shall apply if a healthcare provider's degree of negligence is found to be twenty-five per cent or more under section 671-C.

(c) Where a medical care provider's degree of negligence is less than twenty-five per cent, then the amount recoverable against that medical care provider for noneconomic damages shall be in direct proportion to the degree of the negligence assigned.

(d) Judgment shall not be entered against any healthcare provider who has not been named a party or has been released, dismissed, or otherwise discharged as a party pursuant to section 663-15.5."

SECTION 3. Section 663-11, Hawaii Revised Statutes, is amended to read as follows:

"§663-11 Joint tortfeasors defined. For the purpose of this part [the term], "joint tortfeasors" means two or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them[-], except as provided for healthcare providers in chapter 671."

SECTION 4. Section 671-1, Hawaii Revised Statutes, is amended to read as follows:

"§671-1 Definitions. As used in this chapter:

[4] "Health care provider" or "healthcare provider" means a physician or surgeon licensed under chapter 453, a physician and surgeon licensed under chapter 460, a podiatrist licensed under chapter 463E, a health care facility as defined in section 323D-2, a chiropractor licensed under chapter 442, a dentist licensed under chapter 448, a dental hygienist licensed under chapter 447, an acupuncture practitioner licensed under chapter 436E, a massage therapist licensed under chapter 452, a nurse licensed under chapter 457, an occupational therapist licensed under chapter 457G, an optometrist licensed under chapter 459, a pharmacist licensed under chapter 461, a physical therapist licensed under chapter 461J, a psychologist licensed under chapter 465, a marriage and family therapist licensed under chapter 451J, a dietitian licensed under chapter 448B, a radiologic technologist licensed under chapter 466J, a speech pathologist or audiologist licensed under chapter 468E, a veterinarian licensed under chapter 471, and the employees and legal representatives of any of them. Health care provider shall not mean any nursing institution or nursing service conducted by and for those who rely upon treatment by spiritual means through prayer alone, or employees of such institution or service.

[2] "Medical tort" means [~~professional negligence, the rendering of professional service without informed consent, or an error or omission in professional practice, by a health care provider, which proximately causes death, injury, or other damage to a patient;~~] a negligent act or omission to act by a healthcare provider in the rendering of professional services, or the rendering of professional service by a healthcare provider without informed consent, which act or omission or rendering of service without informed consent is the proximate cause of a personal injury or wrongful death; provided that such services are within the scope of services for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital."

SECTION 5. The insurance commissioner shall prepare a report to be transmitted to the legislature, at least twenty days prior to the convening of the regular session of 2010, which shall include information regarding:

- (1) The number of medical tort actions filed since this Act took effect;
- (2) The number of medical tort actions filed against obstetricians, obstetrician gynecologists, and trauma care providers since this Act took effect;
- (3) The outcome of these actions; and
- (4) Any other information that may be necessary to assist the legislature in evaluating the efficacy of the Act, including suggested legislation.

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 7. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2006, provided that Part II shall be repealed on June 30, 2012; and further provided that chapter 671 and section 663-11, Hawaii Revised Statutes, shall

be reenacted in the form in which they read on the day before the effective date of this Act."

Representative Finnegan moved that Floor Amendment No. 1 be adopted, seconded by Representative Ching.

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

Mr. Speaker, I rise in support. Thank you. This amendment adds the full contents of S.B. 3279, SD 2, HD 1, a very good bill that address medical malpractice tort reform, but only in two areas: obstetrics and trauma care. This amendment as S.B. 3279, SD 2, HD 1, passed out of the Health Committee and the Consumer Protection Committee.

"Mr. Speaker, this amendment is extremely important to access to healthcare. There's a crisis in obstetrics, especially on our Neighbor Islands. Something must be done. Medical malpractice insurance is so expensive, obstetricians are deciding not to deliver babies and they are leaving rural areas. Doctors are practicing quote unquote defensive medicine; using extra tests and referrals to prevent negligence claims, contributing to escalating costs of healthcare.

"We all know the statistics and the arguments because we passed this earlier. And Mr. Speaker, at the appropriate time I would like to call for a roll call vote," and the Chair "so ordered."

At this time, Representative Finnegan requested a roll call vote at the appropriate time.

Representative B. Oshiro rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker, I rise in opposition to this amendment. Very briefly, I'd just like to state that actually this amendment doesn't really just limit itself to obstetricians and gynecologist and trauma care providers because if you actually look at the rest of the bill, it's actually changing the way in which recovery from medical malpractice happens. It does that through changes to the joint and severable liabilities statute. And that actually has to do with the ability of a patient to collect what may be a judgment or settlement that some jury has rightfully entitled them to. This is changing it for all medical malpractice.

"But moreover, what is concerning is the change in definition to healthcare provider found on page 9. It changes it not only to medical physicians, but it changes it to a whole laundry list of people including chiropractors, marriage and family therapists, radiological technologists, speech pathologists, and audiologists. All of these people who will now come under Chapter 671. And for people that don't know what Chapter 671 is, that's our medical torts chapter.

"But first and foremost, before any claim can be brought into court, it needs to go through what's called the MCCP, the Medical Claims Conciliation Panel, under the DCCA. Now first if you do that, what they need to do is provide a report that says yes, this is something that we can move on through the process. But if the factfinder at the DCCA finds that this is a frivolous claim, that the claim has no merit, it cannot move forward. That's it. Too bad. You're out of luck. It doesn't go on into the court system.

"So first and foremost, we have to remember that these cases are not frivolous. These are cases that a lawyer and a physician sitting on this Board have deemed to be meritorious enough to go on through the process. Now the problem we have here is this will not only expand it to, as I said, medical providers. This will expand it to a whole laundry list of people. And what will happen is, and I know because my firm does some of this work, we will have a huge backlog when it comes to the MCCP. And people that need to go to court, people that need relief, people that need redress, will not get that type of redress for years and years and years, and that's the problem with the bill as its currently drafted.

"What we've done, maybe perhaps in looking to protect some certain physicians, is we actually impacted patient care in the entire industry, and that's why I am opposed to this amendment."

Representative Luke rose to speak in opposition to the proposed amendment, stating:

"Thank you, Mr. Speaker. In opposition. I just wanted to address the medical malpractice insurance. What this bill does is it actually takes away the recovery from patients, but at the same time provides no assurance that any savings from the insurance or as a result this bill will create, will be passed on to the doctors.

"If we really want to address medical malpractice insurance and the expense of the medical malpractice insurance, what we should be looking at is some type of provision that ties medical malpractice actions to a reduction in premiums. Otherwise how would we ever have any assurance that the premiums would hold down for doctors? What we're going to do is if we pass this amendment as is, we may be taking away some of the rights of patients, but at the same time we may never know if the premiums will go down unless there's some provision put in the law. Thank you."

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

"Thank you, Mr. Speaker. I'm in support of the amendment. Mr. Speaker, I'm very perplexed because I believe your Committee, the CPC Committee, passed this measure out. So I'm sure it got the proper scrutiny at that time and I'm just very surprised that now we're hearing these objections when we never heard them before on the floor. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support of the amendment. I think that we could expect the malpractice insurance to go down because of the provision on page 5, the limitation on non-economic damages. It sets the maximum award at \$500,000. I think that will be helpful.

"This is a problem we've all been well aware of for a long time. A couple of summers ago, we had meetings with doctors and people from the Department of Health because of the lack of obstetricians especially on the Neighbor Islands. I think Molokai now has no obstetricians. There are just midwives and expectant mothers have to be flown to Oahu. Also Kona which is a very fast-growing community, I might not have the facts right, but I think there's only one obstetrician that will take patients.

"So you know, we're at a very critical stage and that's what we're hoping to address with this amendment. Thank you. And Mr. Speaker, just want to say that at the appropriate time, I would like to have a roll call vote."

The Chair responded, stating:

"Yes, the Minority Leader made that request."

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

"Thank you, Mr. Speaker. Yes, Mr. Speaker, in opposition. Oh no, pardon me. In favor. Thank you, Mr. Speaker. You keep me on my toes. In favor of the amendment, Mr. Speaker. There is a provision too that I would ask Members to look at, and its on page 6. This would really help the injured party more. It caps attorney's fees, and I think when you take a look at some of the malpractice cases that have wound their way through the courts, sometimes you will find that actually the, I guess we might call them the injured party or whatever the terminology will be, ends up recouping very little

money while the attorney's fees are quite massive and seem to keep this whole medical malpractice industry going.

"I think that it would be much better if we took this step and passed this measure. If there are a few things that need to be adjusted as it goes forward, there's certainly time. And if we take a look at the cap on attorney's fees, that would be the best thing we could do actually for the claimant. Then the claimant would have something to recover. Thank you."

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

"Thank you, Mr. Speaker. In support. I just want to point out that this amendment creates an HD 3 and will go to Conference. I'm saying that to acknowledge that some interesting points were brought up by the Majority Floor Leader and the Chair of Judiciary. Those worthwhile questions and can be addressed in Conference. This bill would go to Conference in any case. Thank you."

Representative Harbin rose to speak in support of the proposed amendment, stating:

"Mr. Speaker, I rise in support of this amendment. I have, since our particular language traveled from our Health Committee and our CPC Committee, I have stood here and encouraged this Body to really proceed with looking at this issue strongly. And the reason is, we have seen the report from the LRB and a report from Department of Health, the National Association of Orthopedics Surgeons, that say that our health care system, our trauma care system is broken. One of the three reasons is our problem with medical malpractice. And I as a member of this Caucus, begged and pleaded that we get the Judiciary hearing so that we can air the concerns that are being aired on the floor as we speak.

"This is a learning experience for me, but I don't have to learn to know that we have a problem. And running from this problem is not going to help our people, our injured people. And I believe it's about time that we bring the other stakeholders into this discussion, which are the attorney's fees. Thank you."

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

"Thank you, Mr. Speaker. In strong support, and I'll be brief about it. The fact is, is that our doctors are leaving the field. Less and less people, bright people, are willing to get into the medical profession and this portends a very serious problem for our State and our people. Thank you."

Representative Hale rose to speak in opposition to the proposed amendment, stating:

"Thank you, Mr. Speaker. I will be against this amendment. I will be voting no. But on the other hand, I would like to point out I am very concerned about parts of it. Unfortunately it was when I finally got a chance to actually read the amendment. To me it is far too broad, and therefore if it had been limited to the first five pages, I could support it. But the way it is written now, I cannot. Thank you."

Representative Sonson rose to speak in opposition to the proposed amendment, stating:

"Thank you, Mr. Speaker. I'm standing in strong opposition to the floor amendment, Mr. Speaker. First off, I like to start by reading some numbers and mind you Mr. Speaker, these are raw numbers received by my office on March 29th, 2006 from DCCA. We requested for a report of the Insurance Commissioner on the kinds of numbers we're looking at, as far as medical malpractice premiums. It starts in year 2000 as to the amount of money that went into the system. Premiums written is about \$24 million, and losses paid to claims is \$10 million. In 2001, \$24 million was earned in premiums

by the insurance companies, and they paid \$11 million. In 2002, \$25 million in premiums, they paid out \$15 million. In 2003, \$26 million was collected in premiums, and \$15 million was paid out in claims or losses. And Mr. Speaker, losses are not only claims. It covers losses in investments and cost of whatever else. In 2004 however, there was a change for one reason or another. There's \$23 million in premiums and \$26 in losses paid.

"But again Mr. Speaker, out of those five years, it seems that the insurance industry had suffered some losses, but it seems that the doctors had suffered a greater loss. That is, they paid too much in premiums. And why is that? We really cannot pinpoint it. There are studies upon studies on the subject. And at the national level, it's been said that malpractice insurance premiums is the greatest impediment to health care, to access their health care, specialized care from specialist. But we cannot get them to Molokai.

"You know Mr. Speaker, the conclusion of the General Accounting Office in response to Congress regarding this issue is that, look at the data, but don't listen to the hyperbole. People are using data from various sources, and these studies upon studies just shift the arguments to their side. What we're looking at in this bill is the way it's being framed, and that I really object to.

"It is really showing it as lawyers versus doctors. Now, we want doctors and we also want lawyers. There are good things in a lot of these professions. They're honorable professions, but we certainly don't want bad doctors to remain in the State of Hawaii. If the doctors commit negligence or even recklessness in the way they administer services to the patients: you, me, your parents, etc. The people we care about, the people who are faultless. The system we have in place allows recovery for those faultless people. In exchange for that, there is this negative implication that somehow we're going to get rid of that bad doctor, but is that really a bad thing? We think not.

"We should promote good practices in all professions, including doctors. In architects we demand the best. In lawyers we demand the best. In legislators we demand the best. And if there's a way that we can only weed out, besides the system we have in place, weed out these bad doctors, certainly this Legislature should support it.

"But you see Mr. Speaker, it saddens me that people are standing up and saying, 'You know, lawyers are making so much money, and lawyers should be capped.' But then we have to take a look at what kind of claims this is. This is not hourly rate. It is not like a lawyer contracts with the parents of a child that is laying in bed because his child is brain-dead for the rest of his life."

Representative Shimabukuro rose to yield her time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"Thank you very much, Representative. It is not the case. The lawyer here is not contracting for a guaranteed fee. A lot of lawyers indeed never make any money out of their good work that they do, which is to represent claimants.

"There is a report, again from the DCCA, and they looked at the number of claims that were heard in our system, MCCC. 302 parties were heard, and 63 hearings were conducted. Now 12 of those, they found that their doctors were negligent. In 4 cases, it was not. So in those cases the lawyers just lost out. They spend a lot of money researching, they spent a lot of man-hours and they don't get anything. Now we believe in rewarding work, Mr. Speaker, but there is no reward for lawyers that go into the contingency fee arrangements with clients when they cannot collect the fee they contracted for. Again the claim that somehow they're making a lot of money is not true when you look at the numbers.

"The way that this bill is also drafted does not really help claimants, Mr. Speaker. Most of the cases are not huge. Most of the

cases are indeed in the lower \$100,000 or so. Although it cost about \$100,000 or more to litigate the big, high profile cases such as the doctor that put a screwdriver part in the patient's leg. Or such as the doctor that somehow administered carbon dioxide instead of oxygen to this baby. Yes, it's a lot more expensive to do that because the insurance company, who eventually will pay for this will ensure that they have the best and brightest attorney, and that they are paid their hourly rate. Guaranteed money from the best attorneys in the State. And believe me Mr. Speaker, that's why the numbers are the way it is. A lot of them are getting away with it.

"There's no justice. If we have to err in administrating justice, Mr. Speaker, I think that the system fixes that. It allows for 12 people to look at the evidence. It does not look to the Legislature and say, 'Let's set an arbitrary number. Let's cap it at \$500,000.' Whatever cap we put Mr. Speaker, it is arbitrary by definition. The best system is what we have in place. Let the person off the street who becomes a jury member, let that person along with 11 others decide who is at fault. And let those people who have firsthand look at the evidence and hear the evidence, let them decide what is appropriate. It is not for us to dis-establish a system that's been in place in our country for over 200 years.

"Mr. Speaker, we want doctors to stay, but I'm afraid that the data and data, and studies and studies, including the one done by LRB indicates that insurance premiums, malpractice tort reform, will have no impact on whether or not a doctor, a gynecologist, obstetrician won't live in Molokai, Ka'u, or any underserved area. It is merely a matter of economics. What have we done for doctors? We do for the medical profession, what we do for doctors. We subsidize them. There is a big subsidizing in the health care industry in the form of tobacco tax. We will ..."

The Chair addressed Representative Sonson, stating:

"Representative Sonson, with your passion you've gone on for almost 10 minutes. I'll give you 2 more minutes to summarize. Please continue."

Representative Sonson continued, stating:

"Thank you, Mr. Speaker and colleagues. You know, I probably could speak a lot longer, but I will not because I think we heard enough. And I think that we should continue the discussion, however Mr. Speaker, I would ask that future discussions will ensure that its not framed, doctors against lawyers. Certainly these are not the folks we want to impact. People hate lawyers for one reason or another. I have no clue why.

"Even for us, Mr. Speaker, in my hometown, Waipahu, people come to me all the time and ask me for my help. And I'm there. And I'm sure that there are a lot of attorneys out there who continue to do good work. We deserve to make good money, big money or not. Thank you, Mr. Speaker."

Representative Green rose, stating:

"Mr. Speaker, just a point of information. A couple points. Unfortunately, the medical mistake ... I'm rising on a point of clarification of a statement that was made. Just that it was a screwdriver in a gentleman's back."

At 2:28 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 2:32 o'clock p.m.

Representative Green rose, stating:

"Thank you, Mr. Speaker. I made a procedural mistake. I'll reserve my vote for whenever it's proper."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. I'm rising again in stronger support. Just wanted to make a few comments about this amendment and maybe some clarification for people who may not be exposed that much to what it takes to be a doctor, and what is the situation right now.

"There are a lot easier ways to make a living than dealing with gunshot wounds, exposure to AIDS, make your 4.0 ... There are other things that it takes to become a doctor and what we're saying right now is that there are mistakes that are made at times, but in no way does it mean that people, that the mistakes made are always completely the doctor, and that all doctors are bad doctors. Mistakes happen, and the fact is we do want to attract the best and the brightest.

"I think the only thing I can agree with, with the previous speaker is that there's no justice, but I tell you this is not, judging by results, judging by results, this is not the best system in place. Because if we don't have people interested in the medical field, and in my family's case, both my siblings qualified for medical school, passed the MCATS. After speaking with their uncles, they decided not to. If that continues, you're going to get less and less of a pool of medical students. Less and less doctors. And I think that the health and the welfare of our people comes before the concerns of how much contingency, whatever.

"Yes we want as high a standard as possible, but understanding how the medical system works makes them realize that it's much more complex than what has been expressed on the floor of this House. It's a very hard profession and I don't think all those people appreciate doctors. Thank you."

Representative Meyer rose, stating:

"Mr. Speaker, I'm rising on a point of information. I would like you to make a ruling as to whether all the Representatives here that are lawyers have a conflict of interest? Or perhaps only those that are personal injury lawyers."

The Chair responded, stating:

"No conflict at this point, for all attorneys on the floor of this House."

The request for a roll call vote was put to vote by the Chair and upon a show of hands, the roll call was approved.

Roll call having been approved, the motion that Floor Amendment No. 1, amending S.B. No. 2213, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," be adopted, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 33: Representatives Berg, Caldwell, Carroll, Chang, Chong, Evans, Hale, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoy, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Ayes, 14: Representatives Abinsay, Arakaki, Ching, Finnegan, Green, Halford, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.

Excused, 4: Representatives Cabanilla, Herkes, Morita and Tanaka.

(Main Motion)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2213, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Third Reading by a vote of 47 ayes, with

Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1487-06) recommending that S.B. No. 2243, 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. 2243, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1488-06) recommending that S.B. No. 2328, 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. 2328, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1489-06) recommending that S.B. No. 2358, 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. 2358, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1490-06) recommending that S.B. No. 2360, 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. 2360, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1491-06) recommending that S.B. No. 2667, 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. 2667, 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. I rise with some reservations on the measure. I hope maybe it can be fixed. The measure right now has some times that limit the purchase or sale of fireworks, and these are small things like sparklers and snakes, things like that. And one of the limitations is on New Year's Day. It stops at one minute after midnight on New Year's Day. You can no longer buy or sell these small fireworks.

"And the way I look at it, New Year's Day is a holiday. You might want to go with your kids to the park. Maybe you forgot to buy your sparklers or your snakes, and this would prohibit you from using them on New Year's Day. I suggest that this measure be amended in

Committee, and that it be changed to 12 p.m. on New Year's Day versus 12 a.m., meaning New Year's morning. Thank you."

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

"Mr. Speaker, just in support. The time limitation brought out by the Representative from Kapolei is actually the current law. This bill is at the recommendation of the Fire Council and the Hawaii County Fire Department. The current law, what this does is it's not touching the time at all. So what the practice currently is, is not being changed by this law. So if for instance the Representative of Kapolei wanted to do it now, he couldn't have done it anyway, because the time limitation is not part of this bill that has been touched. Thank you."

Representative Moses rose to respond, stating:

"Sorry Mr. Speaker, but I'm looking on page 8 of the bill, subsection c and it is underlined, which means it changed. So if that's underlined and it's a change, we can change it anyway we like. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand with reservations. S.B. 2667 would greatly assist the enforcement and regulation of the fireworks control law by clarifying firework terminology to be consistent with federal law.

"As public policymakers, it behooves us to be mindful of the power of the message legislation sends to the community. I believe we must give equal time in permissible uses of consumer fireworks to all holidays. This measure permits consumer fireworks, such as sparklers, to be set off, ignited, or otherwise caused to explode within the State for four hours in celebrating New Year's, eight hours for the Fourth of July, and twelve hours on the Chinese New Year. Fireworks should not be used to discriminate against or give preferential treatment to special groups and certain holidays. This bill, as currently drafted, is demeaning in its discrimination to the celebration of our country's birthday, which binds Hawaii to our fellow states and nation."

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

"Mr. Speaker, very briefly in support. On page 6, section 4, is actually where we're talking about the use of fireworks. Page 8 is talking about the sale of fireworks. So that's where we're changing the law. Not in the use."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2667, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1492-06) recommending that S.B. No. 2687, 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. 2687, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

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

"With reservations also. And just explaining my vote. The article by Lee Cataluna talking about the parks being our parks, sways me that there's some need for some kind of law that deal with the homeless problem. But we also need to deal with the homeless problem, and that's finding them somewhere else to live. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with some reservations on this bill. A couple quick comments. Thank you. Of course most of you have read about what happened down at Ala Moana Park with the homeless sweep that happened in the past couple weeks.

"I went down there and I observed that, and the problem had gotten pretty bad. I believe that the police do need all of the laws in order to move the homeless people out if it becomes a real problem. At Ala Moana, what did happen in that case was there were so many of the social service agencies and church groups that were there to assist the homeless in finding a place to go, as well as the City and County stepping in, the Mayor stepping in to provide them a temporary place to camp out if they wanted.

"It did bring the situation to the forefront. But if the police did not have the laws in place that allowed them to ask the homeless to leave, that it would have been very difficult. The situation in the park would have been that the park was taken over by the homeless people and our citizens would not have been able to use it as their own. So I just would like to caution my colleagues that we shouldn't really lessen the laws that the police need to in a case like this. Thank you, Mr. Speaker."

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

"Yes, just with strong reservations, Mr. Speaker. And if the homeless had a place to go, I would vote no on this measure, but I have been surprisingly educated this Session. Last year, I did vote on a similar measure that made it a misdemeanor, so it made it less worse than it was before. But I had a homeless family in my district and we found out that it would take them three years to get into public housing, and one year to get into the homeless shelter that's in my area, and so I have taken this family in because through the whole Session, I couldn't find a place for them. Not even a place for them to rent at \$600.

"And so I can't in good conscience, while I want the parks for my family, I can't in good conscience vote for a measure if we ourselves are not giving an immediate alternative. But when we do give that alternative, I'd like to see the parks given back to the people. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Ching, Finnegan, Meyer and Stonebraker voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1493-06) recommending that S.B. No. 2762, 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. 2762, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third

Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1494-06) recommending that S.B. No. 2986, 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. 2986, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

At 2:47 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2454, SD 1, HD 2	S.B. No. 3197, SD 2, HD 1
S.B. No. 995, SD 1, HD 1	S.B. No. 3254, SD 2, HD 2
S.B. No. 2274, SD 1, HD 2	S.B. No. 427, SD 1, HD 1
S.B. No. 2476, SD 2, HD 3	S.B. No. 951, SD 2, HD 1
S.B. No. 2487, HD 1	S.B. No. 2006, SD 3, HD 2
S.B. No. 2617, SD 2, HD 1	S.B. No. 2213, SD 2, HD 2
S.B. No. 2753, SD 1, HD 2	S.B. No. 2243, SD 1, HD 1
S.B. No. 2773, SD 3, HD 2	S.B. No. 2328, SD 2, HD 2
S.B. No. 2901, HD 1	S.B. No. 2358, SD 2, HD 2
S.B. No. 3003, SD 2, HD 2	S.B. No. 2360, SD 2, HD 1
S.B. No. 3037, SD 2, HD 2	S.B. No. 2667, SD 2, HD 1
S.B. No. 3054, SD 2, HD 2	S.B. No. 2687, HD 1
S.B. No. 3072, SD 1, HD 2	S.B. No. 2762, SD 1, HD 1
S.B. No. 3084, SD 2, HD 3	S.B. No. 2986, SD 2, HD 2

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1525-06) recommending that H.R. No. 208, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 208, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH STANDARDS OF BRAILLE PROFICIENCY AND INSTRUCTION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1526-06) recommending that H.C.R. No. 268, 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. 268, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH STANDARDS OF BRAILLE PROFICIENCY AND INSTRUCTION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1527-06) recommending that H.R. No. 50, 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. 50, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1528-06) recommending that H.C.R. No. 66, 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. 66, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1529-06) recommending that H.R. No. 204, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1530-06) recommending that H.C.R. No. 264, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 204, HD 1, and H.C.R. No. 264, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Thank you Mr. Speaker, just short comments on Stand. Com. 1529 and 1530. Just with reservations because we know that work such as this takes money. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 204, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EVALUATE VARIOUS ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY-EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS, AS WELL AS AIR COOLING METHODS THAT USE RENEWABLE ENERGY SOURCES TO ENCOURAGE COMPLIANCE WITH "LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN" STANDARDS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 264, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EVALUATE VARIOUS ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY-EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS, AS WELL AS AIR COOLING METHODS THAT USE RENEWABLE ENERGY SOURCES TO ENCOURAGE COMPLIANCE WITH "LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN" STANDARDS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

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

(Stand. Com. Rep. No. 1531-06) recommending that H.R. No. 64, be adopted; and

(Stand. Com. Rep. No. 1532-06) recommending that H.C.R. No. 86, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 64 and H.C.R. No. 86, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition to these measures. Last Session I wasn't fortunate to be here, but believe me, I was out there watching as our gross excise tax got burdened upon our people of Oahu. This looks to me as another one of those potential exposures to our already over-strapped, over-taxed people of Oahu.

"We need to have better planning before we start marching ahead with setting policies, potential policies such as expanding mass transit or those types of expensive undertakings until the City and County themselves gets their act together and fixes things such as the sewers and so forth and so on. So I'm opposed to this. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 64, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was adopted, with Representative Harbin voting no, and, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was adopted, with Representative Harbin voting no, and, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1533-06) recommending that H.R. No. 93, 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. 93, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1534-06) recommending that H.C.R. No. 127, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1535-06) recommending that H.R. No. 132, 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. 132, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE AIRLINES SERVING THE STATE OF HAWAII AND REQUESTING A PARTNERSHIP BETWEEN THE AIRLINES AND THE STATE TO PERPETUATE HAWAII'S NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1536-06) recommending that H.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 H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO THE AIRLINES SERVING THE STATE OF HAWAII AND REQUESTING A PARTNERSHIP BETWEEN THE AIRLINES AND THE STATE TO PERPETUATE HAWAII'S NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1537-06) recommending that H.R. No. 152, 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. 152, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF RETURNING THE KAPALUA-WEST MAUI AIRPORT TO PRIVATE OPERATION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1538-06) recommending that H.C.R. No. 198, 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. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF RETURNING THE KAPALUA-WEST MAUI AIRPORT TO PRIVATE OPERATION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

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

(Stand. Com. Rep. No. 1539-06) recommending that H.R. No. 182, be adopted; and

(Stand. Com. Rep. No. 1540-06) recommending that H.C.R. No. 241, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 182 and H.C.R. No. 241, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I would like to speak in briefly in support of these measures. 1539 and 1540, HR 182. The federal SAFETEA-LU legislation provides an excellent opportunity for our State to implement a comprehensive array of pedestrian and bicyclist safety measures. This Resolution encourages the DOT to hire a full-time coordinator to take on this task.

"All of the testimony was in support of this measure, but I would like to remind you and the Members of the pressing need to address the safety issues raised by the drop-off and pick-up of students. With the federal money available, Hawaii should proceed aggressively. Pedestrians and bicyclists of all ages need all the help we can muster. Walking and bicycling to school is also an excellent form of physical activity, but it must also be safe. Perhaps we should even test measures such as pedestrian crosswalk flags.

"I urge my colleagues to vote yes on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 182, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR APPORTIONED FEDERAL FUNDING TO ESTABLISH A SAFE ROUTES TO SCHOOL PROGRAM IN HAWAII AND TO RECRUIT AND HIRE A FULL-TIME COORDINATOR FOR THE PROGRAM," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR APPORTIONED FEDERAL FUNDING TO ESTABLISH A SAFE ROUTES TO SCHOOL PROGRAM IN HAWAII AND TO RECRUIT AND HIRE A FULL-TIME COORDINATOR FOR THE PROGRAM," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1541-06) recommending that H.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 H.R. No. 173, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1542-06) recommending that H.C.R. No. 232, 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. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Saiki and Kahikina, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1543-06) recommending that H.C.R. No. 119, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 119, be adopted, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I support measure HCR 119, Urging the United States President and Congress to immediately ratify the amendments made to the Hawaiian Homes Commission Act of 1920, as amended, as embodied in Act 302, Session Laws of Hawaii 2001. The purpose of this measure is to:

1. Promote increase self-governance by providing Hawaiian homestead community organizations with administrative authority over the affairs of their distinct native communities on Hawaiian Home Lands, and
2. Affirm that the United States has a unique trust responsibility to promote the welfare of the aboriginal, indigenous people of the State of Hawaii, and that the federal government has delegated broad authority to the State of Hawaii to act for their betterment."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO IMMEDIATELY RATIFY THE AMENDMENTS MADE TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED, AS EMBODIED IN ACT 302, SESSION LAWS OF HAWAII 2001, AND TO RECOGNIZE HAWAIIAN HOMESTEAD COMMUNITY ORGANIZATIONS AS SELF-GOVERNING ADMINISTRATIVE AUTHORITIES FOR THEIR RESPECTIVE COMMUNITIES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1544-06) recommending that H.R. No. 171, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1545-06) recommending that H.C.R. No. 226, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 171, HD 1, and H.C.R. No. 226, HD 1, be adopted, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker. I'm in opposition to these measures as well, just because I feel that there should be a more expanded group with different types of family planning in the group. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 171, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," was adopted, with Representatives Pine and Stonebraker voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 226, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," was adopted, with Representatives Pine and Stonebraker voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1546-06) recommending that H.R. No. 218, 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. 218, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AMERICAN ASSOCIATION OF RETIRED PERSONS HAWAII TO CONDUCT A STUDY TO DETERMINE THE MEANS TO ESTABLISH AN "AGING IN PLACE" TAX CREDIT FOR HAWAII TAXPAYERS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1547-06) recommending that H.C.R. No. 283, 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. 283, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AMERICAN ASSOCIATION OF RETIRED PERSONS HAWAII TO CONDUCT A STUDY TO DETERMINE THE MEANS TO ESTABLISH AN "AGING IN PLACE" TAX CREDIT FOR HAWAII TAXPAYERS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1548-06) recommending that H.R. No. 164, 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. 164, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE AHUPUAA OF MUOLEA AS A COMMUNITY-BASED SUBSISTENCE FISHING AREA," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1549-06) recommending that H.C.R. No. 215, 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. 215, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE AHUPUAA OF MUOLEA AS A COMMUNITY-BASED SUBSISTENCE FISHING AREA," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1550-06) recommending that H.R. No. 202, 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. 202, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1551-06) recommending that H.C.R. No. 262, 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. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEHOE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

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

(Stand. Com. Rep. No. 1552-06) recommending that H.R. No. 107, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1553-06) recommending that H.C.R. No. 144, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 107, HD 1, and H.C.R. No. 144, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On 1552 and 1553, I'm going to rise with reservations although my instinct is to say no. This has been a subject that has been bantered around, and bantered around, but I think, if we're going to keep on studying this issue, I think we should include in the title something that relates to the fact that we have development plans that are looking to move more of our planning into the Ewa Plains, and to continue to try to figure out how to get them back into town through these boondoggle type of means, I think is could possibly be just maybe a little waste of time as this has been looked at years and years and years over. Thank you."

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

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

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

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

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

"On this resolution, I should declare a possible conflict. I'm Chair of the OMPO Policy Committee, and OMPO was mentioned in the original resolution," and the Chair ruled, "no conflict."

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 reports of the Committee were adopted and H.R. No. 107, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAUS TO STUDY THE DEVELOPMENT OF A SUBMERSIBLE VEHICULAR TUNNEL FROM EWA TO DOWNTOWN HONOLULU," was adopted, with

Representatives Ito and Thielen, voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 144, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE DEVELOPMENT OF A SUBMERSIBLE VEHICULAR TUNNEL FROM EWA TO DOWNTOWN HONOLULU," was adopted, with Representatives Ito and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1554-06) recommending that S.B. No. 2913, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2913, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1555-06) recommending that S.B. No. 1015, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1015, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1556-06) recommending that S.B. No. 3076, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1557-06) recommending that S.B. No. 2155, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2155, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1558-06) recommending that S.B. No. 2259, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2259, SD 1, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO INFORMATION CHARGING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1559-06) recommending that S.B. No. 1317, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1317, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1560-06) recommending that S.B. No. 1734, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1734, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, 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 Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. At this time, I'm voting with reservations. Thank you Mr. Speaker. There are just so many unanswered questions. You know, we all agree, or at least most of us agree, that we need a racetrack for local racers, but this bill doesn't appear to provide that. It's for a world-class race track, bringing in mainland racers.

"But what was very interesting and disturbing was that when the person trying to get the tax credit, which is anywhere between \$40 to \$60 million, it depends on which version of the measure you look at, he was asked to provide his financial plan or his business plan. He wouldn't do that. He wouldn't tell us who the investors were. He also is supposed to be using that money to purchase some land in exchange for a parcel at Kalaeloa or Barber's Point. He wouldn't tell us the location of the land that he wishes to swap.

"And if we start looking at the parcel that's at Kalaeloa, it's at the intersection of runways so it's dangerous to aircraft. An argument could be made that, yah it's a general aviation airport there now, yes. Those are very small and light and slow-moving airplanes, but if we're going to have racers and spectators at the intersection runway which seems to me it would be very dangerous, especially if we have the airwing come in here from a carrier. Those are very fast movers and there would be distraction from lights, and there would be a lot of danger to the people at the racetrack.

"Let's look at another aspect of it. The land that is at that parcel is supposed to be swapped for land elsewhere. It's supposed to be swapped because right now it's owned by the Department of Hawaiian Homelands and we can't build homes on that parcel, so they want land elsewhere. Well the Department of Hawaiian Homelands not only yesterday, but again today, confirms that the person wanting that tax credit does not have site control.

"So you have all those things added up, and then when asked if this person wanting the tax credit would provide the dirt track, that's needed by about one-third of the local racers, he will not say, 'Yes.' He doesn't say, 'We'll try.' He just says that he cannot commit for the owners or the promoters. So when we ask who is that, so we can

allow the racers that want that kind of track to at least talk to these folks and see if they work out a deal. 'No, can't be done.'

"With that and about 14,000 other questions I have, and let me put it this way. I'm not opposed to tax credits for worthy causes. I'm not opposed to a racetrack. We need a racetrack. I just need some answers before I can support this. Thank you."

Representative Takai rose, stating:

"Point of information. I'm a little bit confused. Was the previous speaker speaking with reservations, or against? Because at the very end he said that he can't support this."

The Chair responded, stating:

"He said he was with reservations at this point."

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

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

"Thank you Mr. Speaker, in opposition. As briefly as I can, it is not the government's job to subsidize racetracks. That's the first point to be made and it feels a little bit funny to say this on the House floor. It should be obvious to us all that it's not the government's job to subsidize racetracks.

"I just want to be clear about what this does. It's actually a 100% subsidy for the development of this racetrack. The tax credit shall be equal to the qualified investment made by the taxpayer and the project for any one or more years than the 6 consecutive years beginning after December 2004.

"So whatever they spend, they get money back from the government to build a racetrack. It's just a waste of money. Thank you."

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

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

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

"Thank you Mr. Speaker, I rise in opposition. Thank you. I do support a racetrack. I learned a lot about motor sports in the past couple of hearings, and especially last night when we had a tremendous amount of testimony about racetracks and motor sports. But one piece of testimony from the Department of Taxation really was interesting to me. They claim that this is not the best funding method for it. It did occur to me that just having one person applying for this tax credit where there may be other people, other entities that could provide and build a racetrack facility that could serve more of the racers on Oahu. I think they should be given an opportunity too. I do note that the bill doesn't limit it to this one person, but it seemed like he was the only one there and present to testify, so I'd like to vote no on this measure. Thank you."

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

"Thank you Mr. Speaker, I rise with reservations. I have some concern regarding the tax implications and fiscal implications, but would like to see the discussion move forward. Thank you."

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

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

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

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

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

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

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

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

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

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

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

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

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

"With grave reservations."

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

"Thank you Mr. Speaker, with reservations. I just wanted to respond to something that was said about the government subsidizing a racetrack or a racing facility. Actually some of the other counties do provide racetracks on State land, and they are used for all kinds of racing venues. I do think a racetrack does have a public interest. There are many people that enjoy racing and it certainly would be safer on the streets if these people had a place to try their cars out, drag racing and wheel-to-wheel racing.

"I don't know that a tax credit is the way to go, but I think that the racing industry is a huge business. From the testimony heard last night in Finance, we are talking local folks who have been racing for years and years. This particular bill may not create the kind of racing facility that they want, but we, as a public policy body should not discount the fact that providing a place to race safely is in the public interest. Thank you, Mr. Speaker."

The Chair then addressed Representative Meyer, stating:

"So Representative Meyer, your position was a no vote? The Chair just wants to clarify your position."

Representative Meyer responded, stating:

"No, I'm with reservations. I'm sort of between a rock and a hard place because of the fact that we have closed down the only racing facility that we have."

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:

"Thank you, Mr. Speaker. Tax credits should always be subject to scrutiny and debate, and should always determine whether the proposed activity is justified. However, tax credits have the ability to diversify, as well as stimulate the economy and give new industries opportunities. In considering new taxes, we must make sure local citizens benefit, and I would continue to support this measure only if that condition is met."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1734, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg, Caldwell, Carroll, Evans, Finnegan, Hale, Saiki, Schatz, Shimabukuro, Stevens, Thielen and Wakai voting no, with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

At 3:04 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 3:06 o'clock p.m.

THIRD READING

S.B. No. 2244, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2244, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2597, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2599, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2607, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2609, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2609, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2930, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2930, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Caldwell's written remarks are as follows:

"When animals and pets are subject to cruel and inhumane treatment, we are grateful to public and private agencies that intervene, remove the animals from the abusive situation, and house and care for their recovery in a safe and healthy environment. In these cases, the cost for animal care and sheltering should rightly fall on the shoulders of the abuser. SB 2930 HD1 would make this happen. The bill would also revoke the abuser's ownership and custodial rights of the abused animal and any other animals in his or her possession. This is policy that would protect our animal population from further abuse by an already identified perpetrator."

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

The motion was put to vote by the Chair and carried, and S.B. No. 2930, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 695, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2462, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2462, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAKENA-KEONEOIO GOVERNMENT ROAD," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2063, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2237, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2382, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2382, 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, I'm rising in opposition. I believe this is a tax increase bill Mr. Speaker, and I'll tell you why. We had an agreement with the Governor and the House and the Senate and the leaders of both houses that we the Legislature and the State would not collect the half percent surcharge. This bill basically says we're going to collect the half percent surcharge, so in my estimation it now becomes a State tax versus a county tax, so we just voted, with the passage of this measure, we're voting for a half a percent increase in the GET tax for the State.

"In addition, it basically sets up the mechanism for the Department of Taxation to start taxing Internet sales. That will be a giant increase in taxes on the people of the State of Hawaii. 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 S.B. No. 2382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 38 ayes to 7 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker voting no, and with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2550, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2550, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising in opposition to this measure. Actually I have a couple of reasons, but what the first thing I'd really like to address is that the contents of this bill is to try to take Kakaako and put it back into the hands of the City and County of Honolulu. The City and County of Honolulu has consistently said through the process, as long as I've been here this year, that they don't want Kakaako back. They can't afford it. I think that perhaps the testifier that came out in support of this bill, perhaps maybe doesn't quite understand what happens when you turn something over to the City especially to a City as in disrepair as our City is.

"We have a valuable asset in Kakaako, a valuable economic asset and valuable land asset. And we have beautiful parks and beaches. The City can't even maintain and take care of the parks that they have in their possession now, much less that beautiful asset at Kakaako *makai*. The City, we're an international embarrassment because our beaches are contaminated because the City can't take care of their sewers. How can we take this asset and give it back to the City and County of Honolulu? So I think that perhaps maybe the businesses and the groups that supported this measure in Finance, perhaps maybe didn't quite understand that they were reacting a little too strongly.

"The other reason I'm in opposition to this is I'm very disappointed that as a member of Water, Land, Ocean, I didn't have a chance to hear this bill because for some strange reason, it went straight to Finance. And that's a process issue that I keep bringing up on this floor, that if we're going to play by certain rules, let's play them in general and continually, the same game. Thank you."

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

"Mr. Speaker, I spoke rather extensively on this the other day, and I believe so did Speaker Emeritus and I think for many of the same reasons. I can't say if he's still opposing it, and I hope he is, but I certainly am opposing this bill.

"Mr. Speaker, the City doesn't have the money to do the infrastructure. It seems as if the Legislature has overreacted to a situation that basically involves whether we should sell public lands on the *makai* side in Kakaako, and then all of a sudden it escalated into this huge thing and now we're saying we're going to carve out this one segment of Kakaako and turn it over to the City and County. Well the City and County can't even pick up our trash and our green waste on this island. They certainly don't have the funds to do the infrastructure, which means that we have a pod left in Kakaako that will flood and where roadways won't go through and be part of the redesign and envisioned district renewal project.

"The other thing I keep bringing up is the produce and the Whole Foods store that will buy the produce from our local farmers. And we want to be very careful that we don't do something that derails that. The City wouldn't be able to do that kind of action. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2550, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Third Reading by a vote of 36 ayes to 9 noes, with Representatives Finnegan, Harbin, Marumoto, Meyer, Moses, Nishimoto, Pine, Souki and Thielen voting no, and with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 3051, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3051, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 3111, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3111, SD 1, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

At 3:13 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2244, SD 1, HD 1	S.B. No. 2462, SD 1, HD 1
S.B. No. 2597, HD 1	S.B. No. 2063, HD 1
S.B. No. 2599, HD 1	S.B. No. 2237, SD 1, HD 1
S.B. No. 2607, SD 1, HD 1	S.B. No. 2382, SD 2, HD 1
S.B. No. 2609, SD 1, HD 1	S.B. No. 2550, SD 2, HD 1
S.B. No. 2930, SD 1, HD 1	S.B. No. 3051, SD 2, HD 1
S.B. No. 695, HD 1	S.B. No. 3111, SD 1, HD 1

ANNOUNCEMENTS

Representative Yamashita: "Thank you, Mr. Speaker. On this coming Monday, April 10th, my office along with Representative Karamatsu's office will be hosting the Bizarre Bazaar between 10:30 a.m. to 1:30 p.m. in Room 414. I encourage all of you to stop by for a variety of activities including the food and household items for sale, cooking demonstrations, and a silent auction. Flyers will be distributed to all of you with the details of the Bazaar. All the proceeds will be going to the Hawaii Foodbank. Thank you."

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to remind Members of the Easter basket presentation for the Women's Shelter, 3:00 on Monday. If you'll bring your Easter

baskets down to the entry to the Rotunda area, and we will be presenting them there.

"Mr. Speaker, I also wanted to say how much I appreciate the Members that, in the spirit of Earth Day, wore natural fiber shirts. And I certainly think yours is a very good-looking one. Thank you."

At this time, Representative B. Oshiro moved to keep the Journal open until 10:00 p.m. this legislative day for the purpose of receiving Standing Committee Reports and Senate bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Cabanilla, Carroll, Chang, Hale, Herkes, Morita and Tanaka were excused.)

At 3:15 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 8:30 o'clock a.m., Tuesday, April 11, 2006. (Representatives Cabanilla, Carroll, Chang, Hale, Herkes, Morita and Tanaka were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Nos. 1561-06 through 1683-06) were received by the Clerk prior to 10:00 p.m. this legislative day, and the following action taken:

Stand. Com. Rep. No. 1561-06 (JUD) and S.B. No. 744, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1562-06 (JUD) and S.B. No. 2065, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1563-06 (JUD) and S.B. No. 2166, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1564-06 (JUD) and S.B. No. 2188, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1565-06 (JUD) and S.B. No. 2492, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1566-06 (JUD) and S.B. No. 3262, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1567-06 (FIN) and S.B. No. 2485, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1568-06 (FIN) and S.B. No. 3078, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1569-06 (FIN) and S.B. No. 2499, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1570-06 (FIN) and S.B. No. 2652, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1571-06 (FIN) and S.B. No. 2708, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1572-06 (FIN) and S.B. No. 2718, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1573-06 (FIN) and S.B. No. 2956, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1574-06 (FIN) and S.B. No. 3101, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1575-06 (FIN) and S.B. No. 3195, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1576-06 (FIN) and S.B. No. 3180, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1577-06 (FIN) and S.B. No. 2461, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1578-06 (FIN) and S.B. No. 2774, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1579-06 (FIN) and S.B. No. 3000, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1580-06 (FIN) and S.B. No. 3247, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1581-06 (FIN) and S.B. No. 2600, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1582-06 (FIN) and S.B. No. 87, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1583-06 (FIN) and S.B. No. 2273, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1584-06 (FIN) and S.B. No. 3090, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1585-06 (FIN) and S.B. No. 2879, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1586-06 (FIN) and S.B. No. 2570, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1587-06 (FIN) and S.B. No. 2575, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1588-06 (FIN) and S.B. No. 1294, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1589-06 (FIN) and S.B. No. 2150, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1590-06 (FIN) and S.B. No. 2898, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1591-06 (FIN) and S.B. No. 3059, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1592-06 (FIN) and S.B. No. 3119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1593-06 (FIN) and S.B. No. 3146, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1594-06 (FIN) and S.B. No. 3205, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1595-06 (FIN) and S.B. No. 1899, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1596-06 (FIN) and S.B. No. 2949, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1597-06 (FIN) and S.B. No. 2505, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1598-06 (FIN) and S.B. No. 2838, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1599-06 (FIN) and S.B. No. 2145, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1600-06 (FIN) and S.B. No. 2348, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1601-06 (FIN) and S.B. No. 2480, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1602-06 (FIN) and S.B. No. 3105, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1603-06 (FIN) and S.B. No. 2227, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1604-06 (FIN) and S.B. No. 1512, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1605-06 (FIN) and S.B. No. 3192, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1606-06 (FIN) and S.B. No. 2954, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1607-06 (FIN) and S.B. No. 696, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1608-06 (FIN) and S.B. No. 785, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1609-06 (FIN) and S.B. No. 2246, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1610-06 (FIN) and S.B. No. 2980, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1611-06 (FIN) and S.B. No. 3009, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1612-06 (FIN) and S.B. No. 3077, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1613-06 (JUD) and S.B. No. 2385, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1614-06 (FIN) and S.B. No. 3138, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1615-06 (FIN) and S.B. No. 2337, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1616-06 (FIN) and S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1617-06 (FIN) and S.B. No. 2340, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1618-06 (FIN) and S.B. No. 3252, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1619-06 (FIN) and S.B. No. 2958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1620-06 (FIN) and S.B. No. 2248, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1621-06 (FIN) and S.B. No. 965, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1622-06 (FIN) and S.B. No. 439, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1623-06 (FIN) and S.B. No. 613, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1624-06 (FIN) and S.B. No. 2433, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION

UNITS AND VICTIM WITNESS ASSISTANCE PROGRAMS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1625-06 (FIN) and S.B. No. 2887, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1626-06 (FIN) and S.B. No. 2948, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1627-06 (FIN) and S.B. No. 3120, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1628-06 (FIN) and S.B. No. 1223, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1629-06 (FIN) and S.B. No. 2546, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1630-06 (FIN) and S.B. No. 2909, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1631-06 (FIN) and S.B. No. 3021, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1632-06 (FIN) and S.B. No. 2074, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1633-06 (FIN) and S.B. No. 845, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1634-06 (FIN) and S.B. No. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1635-06 (FIN) and S.B. No. 2725, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1636-06 (FIN) and S.B. No. 2961, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1637-06 (FIN) and S.B. No. 2162, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1638-06 (FIN) and S.B. No. 2323, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL

REVENUE MAXIMIZATION IN THE JUDICIARY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1639-06 (FIN) and S.B. No. 3011, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1640-06 (FIN) and S.B. No. 2004, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1641-06 (FIN) and S.B. No. 3065, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1642-06 (FIN) and S.B. No. 2036, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1643-06 (FIN) and S.B. No. 2484, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1644-06 (FIN) and S.B. No. 1648, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1645-06 (FIN) and S.B. No. 2504, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1646-06 (FIN) and S.B. No. 2630, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1647-06 (FIN) and S.B. No. 2727, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1648-06 (FIN) and S.B. No. 3270, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1649-06 (FIN) and S.B. No. 2076, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1650-06 (FIN) and S.B. No. 3215, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1651-06 (FIN) and S.B. No. 2959, SD 3, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1652-06 (FIN) and S.B. No. 3035, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY

BENEFITS TO INJURED EMPLOYEES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1653-06 (FIN) and S.B. No. 1593, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1654-06 (FIN) and S.B. No. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1655-06 (FIN) and S.B. No. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1656-06 (FIN) and S.B. No. 2719, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1657-06 (FIN) and S.B. No. 743, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1658-06 (FIN) and S.B. No. 2957, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1659-06 (FIN) and S.B. No. 2021, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1660-06 (FIN) and S.B. No. 2502, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1661-06 (FIN) and S.B. No. 2339, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1662-06 (FIN) and S.B. No. 218, SD 4, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1663-06 (FIN) and S.B. No. 3181, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1664-06 (FIN) and S.B. No. 2926, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1665-06 (FIN) and S.B. No. 2486, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1666-06 (FIN) and S.B. No. 2545, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT

RELATING TO CONDOMINIUMS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1667-06 (FIN) and S.B. No. 2897, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1668-06 (FIN) and S.B. No. 3273, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1669-06 (FIN) and S.B. No. 2133, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1670-06 (FIN) and S.B. No. 2364, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1671-06 (FIN) and S.B. No. 2917, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1672-06 (FIN) and S.B. No. 3283, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1673-06 (FIN) and S.B. No. 2571, as amended in HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1674-06 (FIN) and S.B. No. 2572, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1675-06 (FIN) and S.B. No. 2334, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1676-06 (FIN) and S.B. No. 2688, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1677-06 (FIN) and S.B. No. 3185, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1678-06 (FIN) and S.B. No. 2214, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1679-06 (FIN) and S.B. No. 2343, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1680-06 (FIN) and S.B. No. 3114, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY

WORK DAY PROGRAM," were placed on the calendar for Third Reading on April 11, 2006.

H.B. No 1878, SD 1
H.B. No. 2313, SD 1
H.B. No. 2443, HD 1, SD 1

Stand. Com. Rep. No. 1681-06 (FIN) and S.B. No. 3186, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1682-06 (FIN) and S.B. No. 2190, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1683-06 (FIN) and S.B. No. 2997, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2006.

ADJOURNMENT

At 10:00 o'clock p.m., the House of Representatives adjourned until 8:30 o'clock a.m., Tuesday, April 11, 2006.

HOUSE COMMUNICATIONS

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

April 7, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

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, a copy of which is attached hereto:

S.B. No. 995, SD 1, H.D. 1, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."

Said measure passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,
/s/Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

House Communication dated April 7, 2006, 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:

FORTY-SEVENTH DAY

Tuesday, April 11, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 8:45 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Bishop Richard Chang of Episcopal Diocese of Hawaii, after which the Roll was called showing all members present with the exception of Representatives 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. 493 through 498) were received and announced by the Clerk:

Sen. Com. No. 493, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 2290, SD 2, HD 1 S.B. No. 3049, SD 1, HD 1
S.B. No. 2292, SD 2, HD 1

Sen. Com. No. 494, transmitting S.C.R. No. 48, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 495, transmitting S.C.R. No. 90, entitled: "SENATE CONCURRENT RESOLUTION REQUIRING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE CRIME RATES IN JURISDICTIONS IN THE UNITED STATES THAT ALLOW FOR THE OPEN CARRY OF A FIREARM," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 496, transmitting S.C.R. No. 151, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC POLICY CENTER OF THE COLLEGE OF SOCIAL SCIENCES AT THE UNIVERSITY OF HAWAII TO SPONSOR A SERIES OF PUBLIC POLICY DIALOGS ON OPEN GOVERNMENT," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 497, transmitting S.C.R. No. 228, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DIRECT THE FEDERAL TRADE COMMISSION AND THE UNITED STATES POSTAL SERVICE TO EXAMINE THE FEASIBILITY OF ENACTING FEDERAL LEGISLATION THAT WOULD PROVIDE MAIL RECIPIENTS THE OPTION OF BEING INCLUDED ON A NATIONAL LIST OF THOSE NOT WISHING TO RECEIVE ANY UNSOLICITED COMMERCIAL MAIL," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 498, dated April 7, 2006, 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. 1982, Chair: Fukunaga
HD 2, SD 1 Co-Chair: Inouye
 Members: Ige, Hogue

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>
2, SD1	Committee on Human Services
34, SD1	Committee on Housing, then to the Committee on Finance
42, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce
43	Committee on Human Services
47	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment
48, SD1	Committee on Transportation
51, SD1	Jointly to the Committee on Judiciary and the Committee on Legislative Management and the Committee on Human Services
55	Committee on Consumer Protection & Commerce, then to the Committee on Finance
70	Committee on Health
71, SD1	Committee on Health, then to the Committee on Finance
72, SD1	Committee on Health
74	Committee on Transportation
76, SD1	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Consumer Protection & Commerce
82, SD1	Committee on Consumer Protection & Commerce
84	Committee on Education
90	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, then to the Committee on Finance
95	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment
104	Committee on Education
105	Committee on Education
116	Committee on Health

145 Jointly to the Committee on Health and the Committee on International Affairs, then to the Committee on Consumer Protection & Commerce

147 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment

151, SD1 Committee on Higher Education

158 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

159, SD1 Committee on Agriculture, then to the Committee on Energy & Environmental Protection

160, SD1 Committee on Agriculture

163 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

165 Committee on Education

166, SD1 Committee on Education

170 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Energy & Environmental Protection

193, SD1 Jointly to the Committee on Public Safety & Military Affairs and the Committee on International Affairs

204, SD1 Jointly to the Committee on Human Services and the Committee on Health

228, SD1 Committee on Consumer Protection & Commerce

229, SD1 Jointly to the Committee on Human Services and the Committee on International Affairs

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1, HD2, SD1	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
439, HD1, SD2	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance
2183, HD1, SD1	Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2315, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2319, HD1, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance

3036, HD1, SD2 Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

3118, HD1, SD1 Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

3123, HD1, SD1 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1561-06) recommending that S.B. No. 744, 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. 744, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1562-06) recommending that S.B. No. 2065, 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. 2065, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1563-06) recommending that S.B. No. 2166, 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. 2166, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I looked through this bill and actually, the intent of this bill is a very good one. We're trying to make sure that medical services get to the child that doesn't have a parent, say a street child or a runaway. However, I do have some concerns about this bill.

"Basically in that attempt though, what I think is it also takes away my right to parent. And the reason why I say that is because this bill and some of the language I get from it, that if you're 14 or older, that you should have the opportunity to seek medical services or parental pregnancy counseling, those type of things. And I think that should be okay, but however, if my child is having a difficulty and maybe has done something and now my child is pregnant at the age of 14, I

want to be able to guide and talk and speak through this in a loving way. Whatever decision comes up with that, whatever decision or the outcome is a decision that I think that my parenting should be involved with.

"And what this does is it basically tells doctors and everybody else that if a child comes to you and basically says, 'I don't have a parent,' that, that is reason enough for them to clear out all of the records from ever getting back to the parent to know what had happened with them medically. And at the age of 14, that's really young to be able to not be without parental guidance when you have parents that love and care for you and want to help you through what might be a medically difficult time or emotionally difficult time.

"Mr. Speaker, it's just difficult enough to parent nowadays. I just hope that maybe there's another solution to getting at this problem. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support of this measure. And this is a follow up of a program and a bill that was introduced some 15 years ago. Primarily it was for the Waikiki Youth Outreach Program. And I think as many of us know, many of the young people who are in Waikiki, as the previous speaker mentioned, are runaways, people who are basically disconnected from their families and their parents. And I think for those of you who are familiar also with the foster care system, many of these kids are those who have abandoned the foster care system or who have left foster care and do not care to return.

"I understand the concerns by the previous speaker, having three daughters myself. I know the ideal situation is to have your children come to you with these problems. But I think we have to look at the intent of this measure. The intent is to provide healthcare to those who would not ordinarily seek it, or who may be discouraged if they have to go out and get their parental approval because that's one of the reasons why they're on their own because they are disconnected from their parents.

"And I think if we want to look at preventing the spread of disease, especially sexually transmitted diseases, we need to look at how we can intervene in these cases and we need to encourage young people to access healthcare, especially those who are at risk. And the kids that we're talking about are very high risk. Not only for sexually transmitted diseases, but other health problems as well. So I hope everyone will look at the intent and not try to apply this to every child because it doesn't. Thank you Mr. Speaker."

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

"Mr. Speaker, thank you. In strong support. Just to clarify that when we met with the Waikiki Health Center and the proponents of this measure, we specially asked about situations where a minor would come in and we specifically asked them if they would just take the minor's word for it. In the bill it specifically says the consent, there has to be some due diligence where as if the practitioner reasonably believes, and not just take their word for it, reasonably believes that the minor is not under care, supervision, or custody. That's kind of a high standard. It's not as if anybody who comes in and says that, 'I need medical care,' and they're just going to believe the child. Thank you."

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

"Thank you, Mr. Speaker. In strong support. The bill really first of all, focuses on all health issues and an unbelievable percentage, a great, great percentage will be basic health issues that the minors wouldn't otherwise access. To focus on family planning or abortion, really is I think a fringe perspective on the bill. But what I want to

tell you is what really happens in the clinical setting. When a minor comes in, the doctors, the nurses, the front desk, and the case managers go to great lengths to find support and to actually get consent under any circumstance for anyone. Particular these most vulnerable people.

"Because the goal is to get them healthcare, but to also get them support so the actual actions of the providers in the healthcare setting are to get as much support for those minors. The goal will never be to isolate them and quickly do a procedure or quickly get care without other backup. It will be to encourage the parents or the extended families, or the friends, to help that child. So really this would be to get more healthcare for people in the most safe of ways. Thank you, Mr. Speaker."

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

"Mr. Speaker, I just wanted to add a new perspective coming from the medical community. I rise in strong support. As the my colleague from Salt Lake is painting a picture of a 14 year old walking in and saying that she's emancipated or she doesn't have any parents.

"I would like to say that we, in the medical community, are very, very conservative people who don't take those things very lightly, when somebody walks in an emergency room or a clinic and claims that they are. I'm sure that if this bill passes, the medical community will react to it. That they will establish policies and procedures to address this type of concern. Thank you, Mr. Speaker."

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. My hope is that this is exactly what it does. That it gets to the street person or the street minor. Being that I have heard from a nurse, and a doctor, and a lawyer and being that this is saying that it's reasonable and the doctors would be conservative in their estimate, I'm going to change my vote from opposition to with reservations. However, Mr. Speaker, I really am concerned about the right of the parent in this and when if this comes out and I hear differently, I might change back to a no vote. 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. 2166, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Moses voting no, and Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1564-06) recommending that S.B. No. 2188, 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. 2188, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1565-06) recommending that S.B. No. 2492, 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. 2492, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1566-06) recommending that S.B. No. 3262, 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. 3262, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations. This measure is relating to health and what it's supposed to do is protect the public health and welfare by prohibiting smoking in public places and places of employment.

"However, it exempts State correctional facilities so that indicates to me that we don't care as much about prisoners or our correctional officers, or any other people that are working in our prisons or correctional facilities.

"It also makes the definition of an enclosed or partially enclosed areas to specify that the areas must be closed in by at least two walls. I'm still trying to figure out what a structure with only two walls would look like. So I think that there are problems there.

"But bigger than that, we keep talking about second-hand smoke and yet we all know it's unpleasant, it's noxious, people don't like the smell, but there is no case of a documented death due to second-hand smoke. And yet we devote all this time to second-hand smoke. If we want to get rid of smoking, let's ban cigarettes. Thank you."

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

"Thank you, Mr. Speaker. With reservations. Thank you. I echo the concerns of the previous speaker. The definition of enclosed or partially enclosed areas, it seems to leave a lot of openings for interpretation. And I heard from several employees and several bar owners that if they have smoking in their bar, they have a 35% rule which allows them to I guess gain 35% of their revenues from food, but if they go over that then they cannot have smoking. I think that this smoking ban is more for a restaurant that focuses on food. I think that there's places that smokers like to go and they should be allowed to have that freedom, and as long as there are places for people to eat that's not infused with smoke. I just have some reservations with this bill and I believe that it needs a little bit more work. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. In fact, I rise in the strongest support of this measure. Mr. Speaker, we were elected to protect the people of Hawaii. We were elected to make sure that their health was preserved. This bill will preserve the health of the people of Hawaii.

"A statement was made that second-hand smoke doesn't kill. That is a patently false and reckless statement. Forgive me Mr. Speaker, if I've spoken out of turn. Second-hand smoke does kill. It kills waitresses. It kills children when their parents smoke. And children that don't have a choice to get away from second-hand smoke. We're here to protect the children. We're here to protect the workers. We're here to protect to all of the people of the State of Hawaii, Mr. Speaker.

"When we talk about rights, the rights of someone in a restaurant. They have the right to eat at home. They have the right to go to another place. They have the right to wait to smoke because the real rights lie in the people that are sitting next to them, who are going to inhale smoke, who may have asthma, and have a devastating effect

from that smoke, who may have early lung cancer that gets progressed, who have chronic obstructive pulmonary disease.

"If we're going to look out for the rights of people, let's look out for all of the people of Hawaii. People can choose to smoke, but they shouldn't choose to smoke next to me if I have lung disease. I think that is far afield of what my right should be.

"We have the opportunity to keep thousands of people from dying over in the future years in the State of Hawaii. I think we should all take it and vote complete unanimously on this measure to ban second-hand smoke in public places."

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

"Mr. Speaker, I rise in opposition. It's really great that we're having this debate on the Floor today. And I really appreciate the words of the previous speaker because I believe this is truly what a lot of people believe what he has said. But I want to talk about the other side of the story and that is where I believe this bill has gone way too far.

"What it's done now is, what we're talking about is now we're going to start fining people. So we're turning them into, you could say, criminals because they will get fined now. They will get ticketed by the police if this bill goes forward. And I want to point out some of the ... It's saying here that you cannot smoke in a shopping mall. It says you cannot smoke at a sports arena or at the airport, or stadiums, all these places where the public goes. There's nothing in this bill that says that they will have places to accommodate smokers. It's as if the smokers are these really bad people and we're going to punish them. I have a real problem with the way that this has been drafted and the message that's being sent.

"It's going to be really interesting with all our families and our visitors from the mainland around the world that come here and now we're going to have our police officers walking down the street, ticketing them? , I understand the people that write and why they feel so strongly about it, but I also believe that we're now going to turn people into criminals. People that are going to get fined for what they do and I just think that's wrong.

"And I really can't wait until someday that at the federal level, at the State level, we talk about what has been added into cigarettes and go after the tobacco companies for the things they add to tobacco. Tobacco's been around forever. People have been smoking tobacco forever and to now, somehow now say it's like totally banned, wrong, I think we're going down the wrong path. Thank you."

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

"Thank you very much, Mr. Speaker. In support. I wasn't intending to speak but in listening to the Representative from Kona, I was reminded of the observation that the English philosopher, John Locke, once said. He said, 'Your right to swing your fist ends where my nose begins.' I think that applies to this issue as well. You have the right smoke, but you don't have the right to make others breathe in that smoke. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, some of you can look back to 1984 when the elevators were full of smoke, restaurants were full of smoke, and theaters were full of smoke. And on the Big Island when I was on the Hawaii County Council, we passed the first comprehensive smoking ban throughout the County of Hawaii, which was vetoed by then Mayor Carpenter because of the concerns of having people arrested and so on and so forth. The Council overrode his veto and we have been since 1985, I think it's

when we passed it, there have been no problems at all with any of the concerns that people might be arrested for smoking. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. This is a great day for Hawaii. In 1994 when I was coming to this Body to educate you as a member of the Department of Health, Tobacco Prevention Education Project Staff, we looked at Senate Bill 256. In fact that was the last time that I think this Body and also the Senate had an opportunity to vote on tobacco smoking in the work place. A smoking in the work place bill.

"That particular bill didn't pass the good sense test. In fact the governor, Governor Waihee at the time fortunately vetoed it. Twelve years later, we're here today and I can tell you that this bill will do wonders for not only our State, but it'll also encourage other states throughout the nation to do what we're going to be doing today.

"I think if you take a look at the description of this bill, it says it all. It establishes a consistent level of basic protection statewide. As you know Mr. Speaker, the Honolulu City Council and the City and County of Honolulu, as well as the other counties throughout our State, have done quite well in enforcing and setting ordinances for their respective counties. However, the county council cannot set policy for State jurisdictions. And that was our biggest problem in our State because we had effective workplace smoking bans in a number of our counties and yet we did not have anything to address smoking in our workplaces, in our State workplaces except for a Governor's message or Governor's policy, which was set forth by Governor Cayetano a few years ago.

"So I think this bill needs to be supported. We need to encourage the Senate to accept this draft, I think this is a wonderful day as I said before. And those of you, those of our colleagues who don't agree with this bill, I think you should just take a look at what's being done statewide and what our counties have already done because basically what this does is just codifies what the counties have already done. And I think we put everybody on a level playing field.

"And I just wanted to say one another thing in regards to what the Representative from Makakilo said and that is, I trust the experts. And the experts like the good doctor from Kona have said, we are losing 3,000 people nationally each and every day because of tobacco. And I think that says it all. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, second-hand smoke almost killed my son and I don't want to see anyone else have to go through those kinds of trauma. I think this bill is very important. Dave grew up here. He never smoked, and what affected him was the pervasive second-hand smoke that was in the community and everywhere, even in the schools with the teachers smoking at that period of time. Thank you."

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

"Mr. Speaker, I wish to speak with some reservations on this measure. Mr. Speaker, before I go on, I want to incorporate the words of the Representative from Kohala and Kona and I believe that there is a lot of truth that was stated in those remarks. I'm opposed to smoking *per se*, but I believe this bill has gone a little too far.

"Mr. Speaker and Members, if we're going to look at deaths from second-hand smoke, let's look at deaths from obesity, from too much carbs. Let's look at deaths from all these other cancer inducing food items that we have around and let's fine them too. A person is 20% more overweight, let's fine that person because he is going to be an additional cost to the State of Hawaii and to the nation in providing

for the maintenance and the care of the patient. I mean, when will all this end, Mr. Speaker?"

"We continue to be a big brother to every problem that we have. We think that we can resolve every situation. As was mentioned before, people have been smoking from time in memorial. Maybe it's not the cigarette *per se*, but what's in the cigarette that causes this cancer in the lungs because for some nations in Europe and in Asia, the incidence of lung cancer is very low. And they smoke a lot more than we do, so there must be something more to cigarette smoking. But to give into and get this fear of smoking that you're going to fine somebody, we will make it very difficult even for businesses and hotels to continue in business where they will prohibit any smoking areas or limit the smoking areas even more so. It makes it very difficult. This is a very imposing bill. While I support the non-smokers, this bill has gone a little too far, Mr. Speaker. Thank you very much."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representative Souki 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. I'd like to speak in strong support. I was going to insert my comments into the Journal, but I just realized, and I'm hoping that we can get an agreement on this measure, that this may be our last chance to speak on it.

"I just want to say that, I think for some people this bill goes too far, but for me it doesn't go far enough. And for those who think that we should outright ban cigarettes, I think that's probably the most sensible thing to do. But given what we have today, this is the probably the most progressive, most sweeping public health measure that we have for your Health Committee, Mr. Speaker.

"And I think you know that smoking or controlling smoking has been a top priority for me as your Chair and for the Health Committee for the past several years and I really want to acknowledge publicly the Coalition for a Tobacco Free Hawaii and organizations like the American Heart Association of Hawaii for their consistent advocacy for the health of the people. This is one measure and one strategy that we can adopt that will improve the health of many people, especially our children.

"And I just want to respond to the concerns about our prisons and public safety. That was actually a request from the Public Safety Department to be exempted because they have people who are institutionalized and have to be in secure situations. But I had a chance to ask even our Hawaii State Hospital if they wanted similar exemptions, but they said no. They were more concerned about the health of their patients and so I hope everyone shares this concern. Not only for themselves, but for the rest of our citizens. So I urge everyone to support this measure. 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 submit some written comments. I'd also like to say that in my opinion that this is probably the most important bill we'll pass this year. And for those of you who don't think second-hand smoke affects other people in a bad way, cancer occurs in a lot of people and many of the cancers that you think are not affected by smoke are things like cervical cancer, cancer of the bladder, cancer in areas of the body that you don't even think are connected to the lungs. So I think it's very important that we don't impose our habits upon other people.

"When I was growing up, my father was a really heavy smoker. My mother never touched a cigarette, but when she died this summer, she basically died of emphysema. She was old but she

probably would have lived a few more years without that emphysema. So I think that there's no doubt that if we can get rid of second-hand smoke, that we will decrease the incidence of things like heart disease, emphysema, maybe even bladder cancer, maybe even cervical cancer. So I'd also like to include the remarks of the Representative from Kona because I think his remarks were very germane to this bill. Thank you very much."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will protect Hawaii residents and visitors from secondhand smoke in public spaces and places of employment. As a member of the Board of the American Cancer Society in Hawaii, I would like to briefly refer Members to the ACS' position paper on the secondhand smoke topic.

Each year in the United States, secondhand smoke is responsible for:

An estimated 35,000 to 40,000 deaths from heart disease in people who are not current smokers;

About 3,000 lung cancer deaths in nonsmoking adults;

Other respiratory problems in nonsmokers, including coughing, phlegm, chest discomfort, and reduced lung function;

150,000 to 300,000 lower respiratory tract infection in children which result in 7,500 to 15,000 hospitalizations; and

Increases in the number and severity of asthma attacks in about 200,000 to 1 million asthmatic children.

"The bill had almost unanimous support before the Health Committee, as most reasonable people agree that secondhand smoke is a public health menace. This is a Women's Caucus bill and I urge my colleagues to support it for the myriad of health benefits that will result. Thank you, Mr. Speaker."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. Again I want to remind the Body I'm rising with reservations. I'm pointing out some problems with the bill as it moves along. I believe also that it must be noted that people died of cancer and emphysema and all those things before smoking, without smoking, and in places where there isn't smoking. It's not the sole cause of any of those diseases. In fact, it may not be the cause of those diseases. Some people get those diseases anyway. And what I had stated about no cases of death, that's true. As far as I know, there are no documented cases where the cause of death is listed as second-hand smoking. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, very briefly, I'd like to ask for a ruling on a potential conflict of interest. The Coalition for Tobacco Free Hawaii is one of my clients, but I do corporate work for them and nothing related to this bill whatsoever," 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. 3262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Cabanilla, Evans and Nakasone voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1567-06) recommending that S.B. No. 2485, 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. 2485, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm voting against this measure and I wanted to explain why. Thank you and Mr. Speaker, in the interest of saving time, these remarks also will be relevant to another measure that we'll be considering later, Senate Bill 2954. Thank you.

"Mr. Speaker, I'm going to be quoting from the Earthjustice testimony before the Committee on Finance. Earthjustice states in part that this bill and the other bill I mentioned, 'provides funding support for former-plantation ditch systems, diverting water from public streams. This substantial mobilization of State resources to support these systems is premature,' according to Earthjustice, 'and unwarranted, particularly since the State still has not fulfilled its primary obligation under the constitutional public trust doctrine, to protect and restore stream flows.' Based upon Earthjustice's extensive background with the Waiahole case, it emphasizes the negative ramification of these bills on the public interest.

"Mr. Speaker, Earthjustice comments that 'Hawaii's history tells us the irrigation systems these bills seek to support, were originally built by plantation interests who assumed that water was their property and ignored the impacts of diversion on public streams, on local farmers, and communities.' But with a hallmark ruling of the Hawaii Supreme Court, our Court made it clear that water is a public trust resource and that the State has a responsibility as a trustee to protect and restore public streams being diverted by the plantation ditch system.

"Now these bills propose to establish extensive funding mechanisms to improve the plantation ditches and continue their diversion of stream flows. Particularly given the lack of proper instream flow standards, Earthjustice believes this proposal is premature and places an inappropriate emphasis on diverting, rather than protecting public streams. Earthjustice concludes, 'In short, these bills promote a backward, "fund first, plan later" approach to funding agricultural improvements.' They conclude, 'As the Waiahole case vividly demonstrates, such an approach will lead to waste, ad hoc planning, arbitrary decision making, and protracted litigation.' 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. 2485, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Thielen voting no, and Representative Stonebraker being excused.

At 9:20 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 744, SD 2, HD 1	S.B. No. 2492, SD 1, HD 1
S.B. No. 2065, SD 2, HD 1	S.B. No. 3262, SD 1, HD 1
S.B. No. 2166, SD 2, HD 3	S.B. No. 2485, SD 2, HD 2
S.B. No. 2188, SD 1, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1568-06) recommending that S.B. No. 3078, 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. 3078, 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 this measure. Senate Bill 3078, HD 1, authorizes the LRB to conduct a study identifying the elements that should be included in Hawaii's agribusiness plan to assist the Agribusiness Development Corporation.

"In Committee, the Department of Agriculture, and the Agribusiness Development Corporation did not offer testimony in support of this bill. They only offered comments on the need for Hawaii's agricultural community to collectively provide input and develop a strategic plan for Hawaii's agriculture, and they suggested using the Hawaii Farm Bureau Federation's 2004 strategic plan as a starting point for discussion.

"Also HARC, the Hawaii Agriculture Research Corporation, they did not support this measure and they did not see the need for yet another study to be conducted. The cost to gather complete information and develop each part of the proposed plan would be significant. Additionally, adequate resources would need to be provided to ADC to complete the Agribusiness Development Plan. For these reasons, I cannot support the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3078, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1569-06) recommending that S.B. No. 2499, 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. 2499, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1570-06) recommending that S.B. No. 2652, 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. 2652, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1571-06) recommending that S.B. No. 2708, 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. 2708, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1572-06) recommending that S.B. No. 2718, 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. 2718, SD 1, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1573-06) recommending that S.B. No. 2956, 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. 2956, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you on 1573, Mr. Speaker. I rise to express some reservations on this particular measure. Good public education requires a lot of money so we should not skimp on our children. However, neither should we spend money willy-nilly. We should spend it wisely.

"I understand there is \$508 million in the Department of Education construction pipeline now. That is over half a billion dollars. It is moving slowly, sluggishly. The DOE can't spend it as fast as we can appropriate it. Yes, I favor more money for R&M, repair and maintenance. I support more resources for school CIP. I am happy this bill appropriates dollars and the amount is unspecified for DOE operations. I'm glad we're giving UH more construction money through this measure. And it's about time we formally recognize the virtues of Certificates of Participations, COP, for new school construction.

"Regarding COPs, I do think however, that we should have the Department of Budget and Finance control the amount of financial obligations owed by the State. If B&F doesn't control debt, then it could adversely affect the credit rating of the State. And how in the heck does the Governor draw up a financial plan without control over these expenditures.

"But back to the amounts in the bill. The appropriations are staggering. \$100 million for repair and maintenance, when the pipeline is practically plugged. Another \$50 million for unspecified CIP. Yes, the need is there, but is there not a need to fund schools determined to be under-funded by the new weighted school formula. I say, spend the money a little more judiciously, where it is needed and where it can be used right away. Don't park it where it cannot be used, where it will sit idle. Thank you."

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

"Thank you. I would like to also express my reservations on this bill for the similar concerns as the previous speaker. Thank you."

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

"Thank you Mr. Speaker. I'm rising in support of the measure, particularly in support of that portion that adopts the language and the concept of the bill that the Chair of Education and I introduced either last Session or the year before. Mr. Speaker, this is allowing the Department of Education to proceed with public-private partnerships and to build new schools. Actually to demolish those that are not worth repairing, build a new school structure, and then lease back the school from the private developer and ultimately own this school at the end of that period of time.

"Mr. Speaker, this is the idea that has been used by the military as it's renovating the military housing. It's a very successful approach and I was glad to see this bill adopt that procedure and I look forward to it being successful. Thank you."

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

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

"Thank you, Mr. Speaker. Reservations. I'm just very concerned about the blanket approach to incurring debt without going through Budget and Finance and how it makes it impossible for the State to make a 6-year financial plan."

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

"Thank you, Mr. Speaker. This bill has many good things in it, but as the good Representative from Makakilo stated, that one provision where the DOE can go ahead and borrow money and put the State into debt, I think is a very dangerous provision. So I have reservations."

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

"Thank you, Mr. Speaker. With reservations. I do support of course, money that goes to R&M and CIP. One of the things that I have reservations about is basically how we fix and how we build schools in regards to priorities. And I mentioned this before, in regards to what are our priorities here at the Legislature, versus the priorities of the schools, or the priorities of the DOE and before we go into investing more money, I really do think that the priorities, either of the DOE or of the school, should come first before our own priorities in regards to building schools or repairing them.

"Also there are other pieces to this puzzle that I'm a little bit unclear on how they work together so my reservations will be on the overall big picture as well."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2956, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1574-06) recommending that S.B. No. 3101, 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. 3101, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

At 9:29 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3078, SD 2, HD 1	S.B. No. 2718, SD 1, HD 1
S.B. No. 2499, SD 2, HD 2	S.B. No. 2956, SD 2, HD 2
S.B. No. 2652, SD 2, HD 2	S.B. No. 3101, SD 2, HD 2
S.B. No. 2708, SD 2, HD 1	

At 9:29 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:37 o'clock a.m. with Vice Speaker Takai presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1575-06) recommending that S.B. No. 3195, 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. 3195, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I've talked about this throughout the Session. Basically, the appropriations and the way we appropriate money and what we're supposed to do with the weighted student formula, or what we're trying to accomplish through the weighted student formula. And I was really happy to see that there was \$20 million in appropriation. But the main thing about the \$20 million is we want to be able to see that \$20 million go down to the school level and make sure there are no strings attached.

"Whenever we put money in or, whenever we appropriate money to either the DOE or to the schools and programs and line items and all of that stuff, it's just like a puppet on a string. We have the power and we're kind of like telling them, 'Okay, this is what you got to do. Move your right hand. Move your left hand.' when really the whole part of weighted student formula is to allow the schools to be able to choose what are their priorities and make sure that those priorities, first and foremost are funded before some of the other things.

"Now just last week we saw in the gallery a whole bunch of red jackets, and that was a program called, they changed their name one time and anyway, I went to the their dinner last week. SkillsUSA. And I went to that program and I saw the glow in the kid's eyes as they were competing, they were so excited. There were schools from Kapolei and Mililani. And Radford actually had all these national place winners.

"I was so proud of the fact that Radford had such a great history in this program. Well what was one of the hardest things that I have ever had to do in regards to people lobbying and coming to the Capitol, because they came to my office and they said, 'Please, you just cut my program.' And I said, 'No, we didn't cut your program. I want you to know what we're doing here is we're trying to get it so that you can have your program and so can another school have the programs that they really want.' And we can't do this if we continue to go around this line of line item budgeting and categorical funds and all of these appropriations that basically say, 'You need to spend your money in this way.' The \$20 million along with all the rest of the appropriations and operational appropriations should be going down to the school level with no strings attached.

"Now I realize that the history of the relationship between the Department of Education and the Legislature and all of this kind of stuff, that there needs to be improvement on the trust going both ways. And those are the kinds of things that we can do, the things that we can do to improve these relationships is to basically say, 'Hey, this is the direction that we're going on.' When it gets down to the school level that we can explain to them that this is the way that we're going to appropriate money. We want to be able to let go of the strings. We want to be able to cut the strings so that you have flexibility, but these things all need to work in concert with each other.

"There's some significant things that'll be coming up in regards to the Committee on Weights and hopefully seeing some of those changes being made. But in the meanwhile, if we continue to send this message that we're not fully behind the weighted student formula, it's choking off the kinds of things that you can do at the

school level. I said that in what we're doing, we're protecting the centralized system at the expense of the counselors and librarians and teachers at the school level. And I really want to make sure that people understand this so that we can move towards more flexible spending at the school level. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I will vote for this measure, but express some reservations. This bill will apply a small cold compress of cash on the huge wound caused by the application of the new weighted school formula. But it is an insufficient remedy to ease the pain of large budget cuts. What will be the final amount? I hope more than \$23 million when we really need much more.

"With a \$600 million surplus, I do not understand why so many schools must suffer. It is death to school excellence, not by a thousand cuts, but by large slashes in the body corporate. If weighted school formula is allowed to progress, it will eventually damage the vital organs.

"Under the weighted school formula, some schools suffer cuts. Others will pick up money. Why can we not apply some money from the large general fund surplus or money from the overfunded and slow moving Facilities Funds to help our underfunded schools. Why throw it at racetracks, tax credits, special funds? Why park it in all sorts of corners? Why put it into a high tech investment fund that may reach \$400 million in 4 years? Parents do not understand this and I do not understand this. We should use our taxpayer's precious money to fund the schools deemed under-funded. Too many of our so-called over-funded neighborhood schools will lose programs and personnel. This is not the way to educational excellence. It is, 'robbing Peter to pay Paul' and it is criminal.

"The formula must go back to the Board of Education drawing boards for revision. Allowances must be made for small schools. Schools need their librarians, but we can make some adjustments with this bill during this Session before we adjourn *sine die*. There is time colleagues, to properly fund education. Let's put our surplus to good use. Doctors are told do no harm. I say, legislators, do no harm to the schools in your district. Help the underfunded schools. Budget cuts in times of plenty are not acceptable. Mahalo."

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

"Thank you very much, Mr. Speaker. I rise in support of this measure. Frankly Mr. Speaker, I'm very please to hear the previous speaker assert that we need more dollars into the Education budget. I fully support that. As you know Mr. Speaker, the Executive budget didn't allocate a single penny more to be given to the weighted student formula. The House budget allocates an additional \$20 million more. My understanding is the Senate budget allocates even more.

"If you want to fund the schools adequately, we can take the dollar amount given by the study that was done by the Department of Education two years ago. That came up to \$278 million. I will more than welcome next year, a bill from the other side appropriating those kinds of dollars to show that we are serious.

"Secondly, Mr. Speaker, under the current weighted student formula, it is true, 140 schools of the 283 schools, supposedly lost dollars. There are 140 schools with 140 different stories of why this is so. Let me give you one example.

"Take Hahaione Elementary School in Aina Haina, and take Kalihi Kai Elementary School in, of course Kalihi. Hahaione Elementary School has seven times fewer children who do not speak English as their first language, and seven times fewer children who come from disadvantaged backgrounds. In other words they do not qualify for reduced lunch as compared to Kalihi Kai. In other words, Kalihi Kai

conversely has seven times more of these types of students. Under the previous funding formula, Hahaione Elementary School received \$300 more per student than Kalihi Kai. Well, the previous speaker might say, 'Well, that's just the way it is.'

"The fact of the matter is Mr. Speaker, the dollars under the weighted student formula are going to the schools on the basis of the kinds of students they have. Did that result in some schools losing dollars? Absolutely, but the way to look at in another light is to say, perhaps now is the time that schools like Kalihi Kai, and Farrington High School, and Waipahu High School, and Nanaikapono Elementary School, and so on, receive the dollars they should have been getting all these years on the basis of the kinds of students that they had.

"Is it enough? The answer is no, because again we are not increasing the base budget of the Department by \$278 million, and I do not see us doing that this Session. But the fact remains that under the current weighted student formula, did it at least address the reality that some schools in the past did not get the kind of resources that they should have been getting? I think the answer is, yes.

"Thirdly, Mr. Speaker, under the current Committee on Weights, as you know Act 51 required that the Committee on Weights meets on an annual basis to tweak and amend and modify the formula, and then propose that to the Board for their approval. The current Committee on Weights is meeting, and I can assure the Members of this Body that they are certainly looking at an amount faced by the small schools.

"Mr. Speaker, let's not fool ourselves. The weighted student formula was never meant to reward or punish small schools, medium schools, or big schools. It was never meant to address whether school is a Blue Ribbon School or is currently in restructuring. All it really did was to take an inadequate amount of dollars and reallocate those dollars in a way that made sense and that is transparent. Do not foist upon the weighted student formula something that it was never meant to be. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support of this bill. Thank you. I come from a different perspective, from the school level, as well as a community organizer. And one of the challenges we had in our Committee was to look at the intention of Act 51 as it was meant to not only bring parity to the schools, but also reinvent education means to do it a different way. So this bill enables schools to mitigate the pain that change incurs.

"This change, as I am finding working with my complex schools in East Honolulu, is that the schools are compelled to work with their communities, their students, their businesses, their parents, teachers, even students, to reassess what's happening in the classrooms. And if I understand the intent of Act 51, because I wasn't here when it was created. The intent is actually to view schooling differently so that achievement occurs and that we focus on the children. We focus on what's right for their young people and their students, and not how to keep a system the way the system wants to be. As a former classroom teacher, the easiest thing for me to do is to take material that was handed down to me, or take what I do every year and do the same thing with the students that I have this year.

"The challenge of these schools, that they're trying to face now is to really address the question, number one, who are the students that we're having in our classroom? Because with district exceptions as schools begin to change their populations, the challenge becomes to really identify who are the young people in our classrooms.

"The second thing that happens is that this bill eases the pain as the conversations are occurring within the schools, as well as within the complexes, as to what ways can we best meet the needs of these specific children. Not, how can we help each of us stay the same.

And yes, it will create the conversation of whether librarians are necessary. But the bigger conversation is what do librarians do for instance, that is so critical in the classroom that they can be retained.

"One of the other things that I think that this bill does is it creates and compels us to have the dialogue in every school community which is as an educator, very welcomed. It is painful. And my colleagues and I have talked extensively as to how do we bring a sense of this dialogue. And on that note I'll end by saying that I commend our Committee for wrestling with this, and hope that all the schools will look at this as an opportunity to continue improving student achievement in the classroom. Thank you."

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

"Thank you very much, Mr. Speaker. Unfortunately, I must speak with reservation on this measure. I believe that the current appropriation of \$20 million or so, which might be used for the weighted formula shows that there is some problems with the weighted formula, and there's some pain. And the question is: was the pain necessary, and is the pain necessary? And this is one of the reasons that I am voting with reservation.

"I believe that there will be other ways to resolve the method rather than to take away. And it's in good faith. I know the Chairman acted in good faith, and the Committee acted in good faith. But I believe in the future we need to resolve this problem that we have among the schools, this receive and take away.

"When a school is getting \$32 million, and the other school loses \$32 million, that's a takeaway. And you know that there's going to be pain involved. Mr. Speaker, with this, I hope that in future that there will be some major reservations to this. Thank you."

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

"Thank you, Mr. Speaker. Just rising in support. Thank you. I realize that this is not a perfect mechanism and I think there are some concerns, but I wanted to note my support for some of the items that this bill does fund. I think that they are needed improvements to the educational system. So I'm in support of specifically Section 6 and Section 7 of the bill, and would like to ask for additional written comments to be inserted in the Journal," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations. I have concerns regarding the ambiguity of appropriations in the bill. While this issue is particularly problematic, I do support sections of the bill, which relate to appropriations that are an asset and compulsory in our education system.

"This bill appropriates \$2,400,00 to provide \$200 debit cards to each of twelve thousand teachers to purchase classroom supplies, along with \$1,193,663 for English as a second language services, including instruction, transitional bilingual support, and multicultural education services."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3195, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Finnegan voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1576-06) recommending that S.B. No. 3180, 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. 3180, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1577-06) recommending that S.B. No. 2461, 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. 2461, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1578-06) recommending that S.B. No. 2774, 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. 2774, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of SB 2774, SD 2, HD 1. Mr. Speaker, I believe that the passage of SB 2774, SD 2, HD 1, will support some of the significant adverse affects due to the recent announcement of pending closure of Del Monte Fresh Produce. Currently, many employees, retirees, and their families live in plantation homes owned by the company at the Kunia and Poamoho camps. With the closure of Del Monte Fresh Produce, many of these families face the possibility of losing their homes.

"SB 2774, SD 2, HD 1, will allow the above-mentioned parties to conduct joint efforts to assess and take action on housing issues and other concerns in this closure of Del Monte Fresh Produce.

"This measure would allow for establishment of supportive services such as low interest loan or grant programs for the acquisition, rehabilitation, or reconstruction of homes in the Kunia and Poamoho camps for the pineapple workers or retirees displaced by this recent closure.

"I grew up in the Mill Camp of the Waiialua Sugar Plantation in the 1950s and '60s. Plantation camps were once a way of life that so many of Hawaii's rich cultural traditions were preserved, shared and then passed on through the generations. There was a sense of kinship, love, trust, gratitude, ethnic tolerance and pride shared among those who lived with in the camps. These are the values that make Hawaii a truly great State, and they were forged in the sugar and pineapple plantation camps. It is ironic that as we celebrate the 100th year anniversary of the Filipino immigration to Hawaii, we say goodbye to the plantation era that promised them a good life so many years ago. For me, the loss of the way of life is as important as the end of an industry.

"We now have a serious obligation to help the workers transition to another life. We also have a responsibility to remember the plantation camps with gratitude for the values they instilled to generations of Hawaii's people.

"Thank you, Mr. Speaker, and I ask my colleagues to support me on this bill. Malama pono."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2774, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING,"

passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1579-06) recommending that S.B. No. 3000, 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. 3000, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1580-06) recommending that S.B. No. 3247, 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. 3247, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support with just short comments. Thank you. I think that this goes a long way in regards to supporting community-based care, and also supporting care homes. And I am just in strong support of this, as well as look forward to more people that will be able to have long-term care. 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. 3247, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1581-06) recommending that S.B. No. 2600, 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. 2600, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 9:55 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3195, SD 2, HD 2	S.B. No. 3000, SD 2, HD 1
S.B. No. 3180, SD 1, HD 2	S.B. No. 3247, SD 2, HD 2
S.B. No. 2461, SD 1, HD 1	S.B. No. 2600, SD 1, HD 2
S.B. No. 2774, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1582-06) recommending that S.B. No. 87, 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. 87, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1583-06) recommending that S.B. No. 2273, 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. 2273, SD 2, 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 Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1584-06) recommending that S.B. No. 3090, 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. 3090, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I will be voting no on this matter. Conceptually, it is a very good concept to have some type of standardization of forms, but this is another one of our famous unfunded mandates. We are asking the Department of Labor to develop standardization of forms for providers, employers, employees, but we have no mechanisms of funding for this.

"We're at the age and stage of our lives where we should be looking very seriously at electronic medical records, and we're doing it in the private community, but the step child, workers' comp does not seem to be getting any of this attention.

"I see in some past testimony that the Department of Labor has asked and begged for at least a \$5 million funding appropriation so as to initiate and install electronic records at DCD. This is the least we can do if we're going to be mandating, standardization.

"The work comp system is already overwhelmed with the hassle factor. There's a friction between employers, employees, the Department, providers, because it's so difficult to communicate, which then again drags things out so then we have problems with employees not getting prompt, efficient care.

"I need to vote no with a resounding message that if we can find it in our hearts in Finance to get some type of funding specifically for DCD to achieve this, I will be back at the end of the Session with a resounding yes, and I will even offer to assist everyone in getting this done. 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. 3090, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1585-06) recommending that S.B. No. 2879, 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. 2879, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1586-06) recommending that S.B. No. 2570, 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. 2570, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'm in favor of this measure and I would like to express some reservations. The film industry is one that Hawaii wants to promote. It's a clean industry and provides good paying jobs and highlights our beautiful scenery and usually wonderful weather.

"We should provide tax credits and promote a film and video curriculum at our universities. State and county governments should expedite permits and locations for this favored industry.

"But I do have reservations on the bill before us and it has to do with the title, Digital Medium. Digital technology is involved not just in film production, but is used in TV commercials, DVDs, videos and musical productions. And although the language of this bill speaks of film production, the application of the tax benefits provided herein may inadvertently extend to all types of digital medium. And while we specify an \$8 million per project cap on each production, we do not know how many projects DBEDT film office would authorize. There could be several qualified productions going on at one time, so perhaps we need an annual dollar cap for this tax break.

"I ask the Conferees on this measure to tighten up the language so as to help the film industry, and only that industry. That's the intent of this bill. It should be written to attract new film ventures to Hawaii and not necessarily help those who are already here. This is a worthy measure, Mr. Speaker, and one on which we should focus our attention. 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. 2570, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1587-06) recommending that S.B. No. 2575, 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. 2575, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 10:00 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 87, SD 2, HD 1	S.B. No. 2879, SD 1, HD 1
S.B. No. 2273, SD 2, HD 1	S.B. No. 2570, SD 2, HD 2
S.B. No. 3090, SD 2, HD 1	S.B. No. 2575, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1588-06) recommending that S.B. No. 1294, 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. 1294, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1589-06) recommending that S.B. No. 2150, 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. 2150, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1590-06) recommending that S.B. No. 2898, SD 2, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2898, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, my apologies on Standing Committee Report 1590, S.B. No. 2898. I would like to ask for a ruling on potential conflict of interest. Similar to the other times this bill has come before us and I had been excused, these are one of my clients and I advise them on procurement," and the Chair ruled "you are excused."

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 2898, SD2, HD2, Relating to Procurement. This measure seeks to raise the current procurement threshold for small purchases from \$25,000 to \$50,000. In addition, this measure will establish the Chief Executive Officer of the Hawaii Health Systems Corporation as the Chief Procurement Officer.

"This measure is particularly beneficial to the Neighbor Island hospitals that are often hampered by the current threshold of \$25,000 enacted in 1993. The west end Kauai Veterans' Memorial Hospital has had great difficulty in terms of procurement under the current threshold, by raising the level of small purchases to \$50,000, Hawaii Health Systems Corporation will be able to operate more efficiently and have greater autonomy to meet the needs of their clients expeditiously.

"Not only will this measure benefit Hawaii Health Systems Corporation, but the Judiciary, Senate, House, Office of Hawaiian Affairs, University of Hawaii, and the Department of Education as well by affording each department with a deeper threshold of purchasing powers.

"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. 2898, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Herkes voting no, and Representatives B. Oshiro and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1591-06) recommending that S.B. No. 3059, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3059, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, there's been some debate on whether or not we should have a mandatory curriculum, statewide curriculum, or what we have here, which is an optional or recommended model curriculum. I just wanted to explain why I am in favor of the model curriculum instead of the mandatory curriculum.

"Basically when the State came up with its standards, it told all the schools that they needed to come up with their curriculum. So some schools went out and they actually put together their own curriculum. Other schools went out and bought curriculum. And so right now if we were to do a one-size-fits-all type of mandate on a statewide curriculum, it would really be basically, a message to the different schools that what they went through in creating this curriculum to meet the standards, that it would be like a basically waste of their time. And I know that they put in a lot of time and energy.

"So by making this optional, it allows these schools that may feel like, well maybe we could improve upon our curriculum, we can take a look at this model curriculum in ways that we can improve our curriculum. They can also adopt it if they think that theirs doesn't meet the standards, but it gives them this option.

"Now through this, one thing that I did learn is that this allows, this gives them guidance on what to teach, but doesn't necessarily tell them how to teach. And that was one of the big issues for the teachers. Another big issue for the teachers that I spoke with is that they spent so much time, for those who have chosen to do their own curriculum. They spent so much time and energy on this, that something like this in combination with the implementation of the standards would have been helpful back then. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in support with some reservations. I feel somewhat the opposite of our Minority Leader. I think what we really need in our school system is a mandatory curriculum.

"The way things are now, if the students transfers from one public school to another, because of the great differences in curriculum, they might find themselves either way ahead or way behind because they may be on a totally different study cluster because the schools are not working in coordination with each other. There was an editorial in the *Advertiser* just a few days ago that was in support of a mandatory curriculum. I just feel that this bill, making it voluntary, doesn't move us any closer to an improved educational 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. 3059, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1592-06) recommending that S.B. No. 3119, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3119, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. This bill allows DHHL, the Department of Hawaiian Home Lands, to take control of the Hawaiian Home Lands Trust Fund and invest those funds in investment vehicles of its choosing in search of higher yields. This is contrary to common financial practices, which

promote fiscally conservative policies when handling trust funds, promoting a long-term safety of the trust over chasing higher yields.

"When handling trust funds it's common for banks and other fiduciaries to invest only in government bonds or related high-quality instruments that have lesser yields, but the highest degree of safety.

"My concern with this bill Mr. Speaker, is that there's a simple principle here. Higher yields mean higher risks, and when handling the core trust funds which DHHL holds on behalf of its beneficiaries, the pursuit of safety and security is not a vice.

"Exemptions from standards and statutory provisions for the handling and investment of public funds should only be granted on the basis of compelling reasons because those standard provisions have repeatedly proved necessary to prevent common errors and breaches of trust. There's no persuasive case that I can see from testimony, and even from the needs of DHHL at the moment, for exempting them.

"So I rise in opposition, and I also urge my colleagues to look more closely at this particular Department because at the moment, what I'm finding is that they, although on surface they are looking as if they fulfilling their fiduciary responsibilities to their beneficiaries, in reality I think there's a lot more going on. 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. 3119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Berg voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1593-06) recommending that S.B. No. 3146, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3146, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I just want to disclose a potential conflict on Standing Committee Report 1593-06. My wife serves on the board of Queen's Hospital, and I think they may be one of the beneficiaries," 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. 3146, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1594-06) recommending that S.B. No. 3205, 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. 3205, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 10:07 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 1294, SD 2, HD 1	S.B. No. 3119, SD 2, HD 1
S.B. No. 2150, SD 1, HD 1	S.B. No. 3146, SD 2, HD 1
S.B. No. 2898, SD 2, HD 2	S.B. No. 3205, SD 2, HD 1

S.B. No. 3059, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1595-06) recommending that S.B. No. 1899, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1899, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. This bill appropriates funds to support deregulation of genetically modified papayas so that they can enter the Japanese market, and further for the development and implementation of a marketing plan to promote genetically modified crops.

"The danger is that this bill commits the State to a position that runs contrary to public opinion in much of the world, and runs the danger of associating Hawaii in the minds of international consumers with what they view as potentially unwanted genetically modified crops.

"We're far from a consensus on this issue of consuming genetically modified crops, and this measure puts the State in front despite the lack of a consensus. In our Committee, we passed a measure that was actually pretty revolutionary, I guess looking at the history, to explore this further and to ask the companies that are doing these kind of experimental and non-experimental products to be more transparent.

"So my concern is that the very real risk associated with being wrong if we are certain that genetic modifications are healthy, then we can certainly wait on this kind of measure. I would hate us to be on the forefront of being looked at as a GMO state. Thank you."

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

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

"Thank you, Mr. Speaker. I also rise in opposition to this measure and I also would like to adopt the words from the Representative from Aina Haina as my own," and the Chair "so ordered." (By reference only.)

Representative Morita continued, stating:

"I rise in opposition to this measure whether real or perceived, there is a real distaste for GMO crops worldwide. Right here in Hawaii there's a growing excitement over Whole Foods coming to Honolulu, but you can be sure that they won't be selling Rainbow papayas there.

"Where there is no consumer demand or support for GMO crops, the only way the US can export its GMO crops to others countries is to strong-arm these countries through trade agreements. So why are we appropriating funds to promote a GMO crop in markets that do not support GMO foods. It's a bad investment."

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

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

"Thank you, Mr. Speaker. I'm rising in strong support of this measure. If it were not for the research that was done to cure the problem of Ringspot Virus, we would have probably no papayas on the market. This took many years to take care of that problem. The University was right out front trying to solve the problem. Today the papaya industry is struggling to get anywhere near where they were about 15 years ago.

"Personally, I can't tell the difference between a Rainbow papaya and a Kapoho Solo papaya. I think the papayas are a very good grade. The Japanese tourists who come here enjoy them. I think that we should be supporting our diversified ag industry. And papayas have gotten a bad rap because of this almost near hysteria about genetically modified foods. This is a small thing we can do to support diversified ag, which we do a lot of talking about here on this floor, that we want to support them. And so I'm disappointed at all this testimony against this bill. Thank you, Mr. Speaker."

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

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

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

"Mr. Speaker, I rise in strong support. I think that we need to protect our agricultural industry. We have been known to be the exporters of papaya. And a lot of the farmers, my family farmers on the Big Island rely on papaya for their livelihood. I think this is a measure to protect our small-time farmers. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in strong support. This is one of the primary agricultural products of my district in Puna. And a few years ago the whole papaya crop was destroyed, the Kapoho papayas, because of the virus. And only because of the engineering that was done by the head at Cornell University, who is now the head of the Pacific Basin Agricultural Facility in Hilo, the papaya industry was revived. And this is one of the very few profitable areas in my area that can support our economy and I don't think this will hurt anybody who is against genetically modified papayas because this has been tested. I eat it myself all the time, and I hope all of you will live to my age. Thank you."

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

"In support with reservations. I was representing Puna when the Ringspot hit, and I understand the value of what happened to saving the papaya crop, but my concern is the potential impact on Kona coffee. Thank you."

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

"Thank you, Mr. Speaker. Just very briefly in support. And if I can just mention what are the intents of these GMOs. The Committee Report, it ensures the development and implementation of a marketing plan to promote transgenic and non-transgenic Hawaiian papaya in Japan, and in future markets including China and the European Union. Thank you, Mr. Speaker."

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

"In strong support, and just a short comment. Today, the industry that almost got wiped out, the Kapoho papaya, is fully thriving and that is being exported to Japan right now through the heat treatment process. The most popular papaya being consumed in our tourist resort areas is the Rainbow papaya. There is no evidence that the genetically modified Rainbow papaya cannot coexist with the ordinary Rainbow papaya. And I strongly support this measure. 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. 1899, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Berg, Carroll, Morita, Schatz, Shimabukuro, Takumi and Thielen voting no, and with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1596-06) recommending that S.B. No. 2949, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2949, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I am rising in support, but just with a couple of reservations. Mr. Speaker, I believe that the Ombudsman already has the authority to do what this bill asks him to do. I think that there could be a very practical solution. And the practical solution would be that the Department would put into every contract between an out-of-state facility that the Ombudsman would have the authority to investigate such issues and it could just be handled that way. Thank you."

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

"Thank you, Mr. Speaker. I heard this measure both in Public Safety and in Finance Committee. I'm rising with reservations. Thank you. The purpose of the bill is to provide the Office of the Ombudsman the authority to investigate out-of-state private or federal correctional facilities that have contracts with the Department of Public Safety to house Hawaii inmates. That's fine.

"But it goes on in the bill, it says the Ombudsman shall investigate any incident or death or riot occurred or person committed to the custody of the Director of Public Safety, including a person held at an out-of-state facility, sustaining serious bodily injury as a result of actions taken by an employee of the Department of Public Safety and an employee of an out-of-state facility or another person held in custody.

"The Ombudsman, first of all, does have the authority already, to respond to any cases brought before him, whether it be by family member or the inmates themselves. And they can investigate their complaints and they do, do that they say, and they refer them to the Attorney General or to the Department of Public Safety. Or they say they can refer them out. I'm not quite sure what that means.

"The Ombudsman doesn't believe that they should handle death or riot cases because of possible legal actions. They say it could jeopardize the case. So I think the measure does need some fixing as it goes along. And in fact, your Committee on Finance stated that they noted several amendments were offered by the Ombudsman to better clarify the intent of the measure and the role of the Ombudsman, but they didn't want to take action because it's out of the purview of that Committee. Thank you."

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

"Mr. Speaker, I'm in strong support of this measure. The genesis of this bill was the death of an inmate, Sarah Ah Mau, from Hauula, who died in Kentucky. I'd like to see this bill go forward, but as was stated in Committee, the Ombudsman would need sufficient funding if he's going to have this kind of additional duty. We're actually adding the administrative acts of out-of-state facilities to his jurisdiction and this would require additional funds. 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. 2949, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1597-06) recommending that S.B. No. 2505, 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. 2505, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1598-06) recommending that S.B. No. 2838, 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. 2838, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1599-06) recommending that S.B. No. 2145, 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. 2145, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1600-06) recommending that S.B. No. 2348, 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. 2348, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

The Chair then announced:

"Members, I'd just like to remind you that we're on Third Reading, however, this discussion that we've been having is good. But if we continue to discuss some of these bills at length we're going to be here till close to 12 midnight. So if I can encourage us, as much as possible, to insert written comments into the Journal. As much as possible. I'm not saying that we can't speak either in favor or against, but as much as possible, written comments please."

Representative Thielen rose, stating:

"Mr. Speaker, thank you for that, except that I feel that the discussion, the debate is very important. I wouldn't have been alerted to the issue that was brought up on Standing Committee Report 1595 have we not had this kind of debate. And so I hope that Members will not hold back when they have important things to say. I hope that they will speak up. Thank you, Mr. Speaker."

At 10:21 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 1899, SD 1, HD 1	S.B. No. 2838, SD 2, HD 2
S.B. No. 2949, SD 2, HD 1	S.B. No. 2145, SD 2, HD 2
S.B. No. 2505, SD 2, HD 1	S.B. No. 2348, SD 1, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1601-06) recommending that S.B. No. 2480, 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. 2480, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support. The purpose of this bill is to appropriate funds to conduct a study on the feasibility of constructing a wastewater treatment facility for the Kapoho Vacationland estates and farm lots, and public restrooms at the Wai O Pae Marine Life conservation district on the island of Hawaii.

"I realize Mr. Speaker, that this is very, very far from my district, but in light of the recent events of wastewater spillage in Waikiki, I believe that this is clearly a timely example of a prevention being very, very important and much more effective than the cure of what we're experiencing down in Waikiki. So I'm in strong support of 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. 2480, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1602-06) recommending that S.B. No. 3105, 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. 3105, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Nakasone voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1603-06) recommending that S.B. No. 2227, 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. 2227, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1604-06) recommending that S.B. No. 1512, SD 1, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1512, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1605-06) recommending that S.B. No. 3192, 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. 3192, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1606-06) recommending that S.B. No. 2954, 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. 2954, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"On 1606, Relating to Agriculture, irrigation repair and maintenance. I'm voting against this Mr. Speaker, and I would like to reference my earlier remarks on Senate Bill 2485 and Earthjustice's remarks," and the Chair "so ordered." (By reference only.)

Representative Marumoto 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 Marumoto's written remarks are as follows:

"Mr. Speaker, I rise with reservations on SB 2954, SD2, HD2, Relating to Agriculture, which establishes a tax credit for matching funds provided by landowners who receive funding from a proposed irrigation repair and maintenance special fund. The Department of Taxation was concerned about requiring the Department to pass any personal tax information from recipients of the credit to the BOA because of current confidentiality laws. The Department of Budget and Finance also does not support the creation of any special fund that does not meet statutory requirements, stating that there should be a distinguishable nexus between the benefits and charges of the fund, and that the special fund should be appropriately financed and financially self-sustaining. The Tax Foundation also raised the point that with the tax credit and matching funds, the State would ultimately be footing the bill for 100% of the cost for improvement."

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

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

"Thank you, Mr. Speaker. In strong support. Very briefly Mr. Speaker, this is just a follow up of what we addressed last Session as far as identifying IAL, important agricultural lands. I think we are just being proactive here to make sure that we have recognition of the importance of agricultural lands, we also recognize the importance of the availability of water, and this is going to address that. Thank you very much."

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

"Thank you, Mr. Speaker. In support with reservations. I just want to note that the original amount requested in the measure was \$11.866 million. So it's a lot of money and it's going to be general fund money going into the account. And once we have the account, it's a special fund, and you know I do not favor special funds. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2954, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Thielen voting no, and Representative Stonebraker being excused.

At 10:25 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2480, SD 1, HD 1	S.B. No. 1512, SD 1, HD 3
S.B. No. 3105, SD 2, HD 2	S.B. No. 3192, SD 1, HD 2
S.B. No. 2227, SD 2, HD 2	S.B. No. 2954, SD 2, HD 2

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1607-06) recommending that S.B. No. 696, 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. 696, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1608-06) recommending that S.B. No. 785, 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. 785, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1609-06) recommending that S.B. No. 2246, 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. 2246, SD 1, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2246, SD 1, HD 2, passed Third Reading in the following form:

S.B. No. 2246, SD 1, HD 2

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT.

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 I of the Constitution of the State of Hawaii to provide that the legislature may define what behavior constitutes a continuing course of conduct in continuous sexual assault crimes against minors younger than fourteen years of age and what constitutes the jury unanimity that is required for a conviction.

Under current Hawaii law, it is difficult to prosecute those who repeatedly sexually assault a child, because of the difficulty young children have in remembering the individual dates on which they were sexually assaulted. This amendment would allow the legislature to enact a law that would permit juries to convict a person of the continuous sexual assault of a minor younger than fourteen years of age, if each member of the jury was convinced beyond a reasonable doubt that the defendant had sexually assaulted the child the required number of times (such as three), even if there were not unanimity as to the individual assaults. This would make it easier to prosecute those who repeatedly sexually assault a child.

The legislature passed such a law in 1997, but that law was invalidated by the Hawaii supreme court. An amendment similar to this amendment was proposed to the voters in 2004 and the amendment was invalidated by the Hawaii supreme court.

SECTION 2. Article I of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SEXUAL ASSAULT CRIMES AGAINST MINORS

Section . In continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

1. What behavior constitutes a continuing course of conduct; and
2. What constitutes the jury unanimity that is required for a conviction."

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

"Shall the Constitution of the State of Hawaii be amended to provide that in continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

- (1) What behavior constitutes a continuing course of conduct; and
- (2) What constitutes the jury unanimity that is required for a conviction?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect on July 1, 2020, and 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. 1610-06) recommending that S.B. No. 2980, 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. 2980, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On 1610, Relating to Education, I'm in support of this measure. Mr. Speaker, just a few words to say that this bill will appropriate funds to increase the number of public high schools who will participate in the Construction Academy training program from 8 public high schools to all public high schools. The

Academy training program allows high school students to enroll into a pre-apprenticeship program, which will enable them to enter at the higher skill levels.

"So it's an important bill to all of you because of the great role the construction industry that is going to be playing in our State. So I ask you all to support such a great measure. Thank you, Mr. Speaker."

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker I rise in strong support of SB2980, SD2, HD 1.

"Mr. Speaker, I believe that the passage of SB 2980, SD2, HD1 will assist in providing educational career opportunities, for high school students. By appropriating funds to high schools specifically for the purpose of increasing the number of public high schools participating in the Construction Academy training program, it will encourage collaboration with colleges, and trade schools in supporting the construction industry.

"This measure will assist in providing individuals with a head start on a two-year, post-secondary degree, while allowing students to enter a post-secondary apprenticeship program at a more qualified skill level.

"The passage of SB2980, SD2, HD1, will allow the State to create an invaluable awareness among individuals who may not know such career options exists. Through a pre-apprenticeship program, trade organizations can be assured that this program will bolster the idea that becoming a plumber, carpenter, or electrician can provide a successful, satisfying, and lucrative career. It will assist in expanding the Construction Academy program and the apprenticeship-training program, which in turn, will assist in sustaining the current construction boom and recent shortage of qualified workers in the trades.

"I believe that we have a responsibility to support SB2980, SD2, HD1, as it will help provide our State in building a sustainable, economical future. Thank you Mr. Speaker, and I ask my colleagues to support me on SB 2980, SD2, HD1. Malama Pono."

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:

"Thank you, Mr. Speaker. I rise in strong support of this measure which appropriates funds to expand existing construction academy programs from 8 schools to 26 public high schools, and expand apprenticeship-training programs at Honolulu Community College, Hawaii Community College, Maui Community College, and Kauai Community College.

"This initiative would help our State in providing the necessary workforce that is so desperately needed in the growing technology industry and would provide a statewide public policy initiative that benefits the State's entire economy. This bill provides for a more comprehensive and coordinated way for high school students to earn academic credits needed for graduation while gaining first hand information, and experiences about various career fields. The Construction Academy would be in partnership with the University of Hawaii and business and labor communities. We believe that support for the expansion of programs such as the construction academy is critical to the continued growth and diversification of Hawaii's economy and to the personal and professional development of our young people.

"I share the sentiments of the Hawaii Business Roundtable which said in testimony: "One of the sad ironies of our current economic situation is that while Hawaii's rate of unemployment has steadily declined over the past decade, we have been forced to import workers into our state in order to fill high paying jobs in industries such as healthcare, education, and construction"."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2980, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1611-06) recommending that S.B. No. 3009, 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. 3009, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you. The purpose of this bill is to ensure that a fair and equitable civil service system is used for a majority of employees in public service and conforms to the intent and purpose of Act 253, better known as the Civil Service Reform Act.

"I'm rising in opposition because several departments had strong concerns about this measure. The Department of Commerce and Consumer Affairs said that since DCCA needs to compete with the private industry, this bill takes away from DCCA's ability to hire outside Chapter 76 and removes the Director's authority to hire a number of positions that are critical to the needs of the Department on a temporary or exempt basis.

"The Public Utilities Commission had similar concerns. Department of Land and Natural Resources also testified they had several positions that required exempt hiring because there are no comparable civil service positions in State government that would meet the needs of the Department. And the Department of Human Resources Development also testified they needed more time to work with the affected departments to identify the additional positions that should be replaced with civil service positions. So for those reasons, I'm rising in opposition. Thank you Mr. Speaker."

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

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

"Mr. Speaker, brief comments in support. This is an attempt to try to deal with a problem that's been ongoing for many years, dealing with exempt employees. We have about 2,500 exempt employees in State government and over the past 6 years, 250 have been converted to civil service. Not exactly a good track record even though there's been attempt after attempt to encourage the Executive Branch to move forward with doing this.

"We have examples, for example, at DLNR, the Office of Historic Preservation, every member of that Office is an exempt employee. And some of them have been exempt for 15 years. If that's not a civil service position, I don't know what is. An effort has to be made to try to address this problem.

"The legislation that's moving forward is a good attempt to do that. We've heard the concerns from various agencies and we have tried to address them by providing exemptions within their departments to the conversion plan. It's an ongoing effort. I think it's a good compromise. And we are working with DHRD and the various

agencies to try to address their limited concerns on some of these positions. So I hope that everyone will support this legislation. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Stevens 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. 3009, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1612-06) recommending that S.B. No. 3077, 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. 3077, 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 in support, but I do have some reservations about this. Thank you. Mr. Speaker, I'm going to ask that my remarks be placed into the Journal. They specifically relate to my concern that this will slow down the process. I think that we could end up losing some transfers of land or acquisitions where we won't be able to move quickly enough. We're only in session for less than six months a year. I'm thinking particularly of the Waimea Valley acquisition and if that consultation could not occur quickly enough, we might have lost that opportunity. Thank you."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this measure.

"I have concerns that Senate Bill 3077's provision requiring DLNR to consult with the Senate President and the House Speaker will hamper their timely response to conservation opportunities where immediate action is necessary.

"As we all remember, in the Waimea Valley acquisition, grassroots organizations, the City and County of Honolulu, OHA, DLNR and the military worked as a collective to preserve this historic valley for future generations. By not having to consult with the Legislature's leaders, DLNR quickly responded to the situation, dedicated funds and joined the consortium in successfully acquiring Waimea Valley.

"Considering our short legislative Session, requiring DLNR's consultation with the President and the Speaker when preparing a resource land acquisition plan or making recommendations to the BLNR, will delay future conservation projects. Why should we risk future opportunities to save Hawaii's endangered natural treasures?"

"Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I have similar reservations and I just ask that I can insert some remarks in the Journal," and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising with reservations on SB 3077, SD2. By forcing both the BLNR/DLNR to consult with the House Speaker and the Senate President before they take action on any land transactions can only slow down an already slow process. The BLNR only meets twice a month as it is. Having to consult with the legislative leaders will make for a delayed process.

"DLNR's land division is leasing property throughout the year. Will they have easy access to the legislative leaders so they can proceed? How disruptive will these consultative meetings be for both the Department and the legislative leaders? If the Legislature is worried about sales of State land, then limit this bill to sales only. This bill as written is far too broad and will only serve to aggravate and discourage the hard working people at both the DLNR and the BLNR. By bringing the legislative leadership into all decisions about land acquisition, we could be drawing out the acquisition process, possibly creating a situation where we lose the opportunity to purchase because another buyer is able to act more quickly, or the seller changes his mind. Thank you, Mr. Speaker."

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

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

"Just briefly again, Mr. Speaker. In opposition. I just want to say that this measure starts a very bad precedent. Thank you."

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

"Mr. Speaker, I rise in support. Just very briefly, the bill only calls for a consultation with the Senate President and the Speaker of the House because ultimately, if we are going to be moving forward with our Legacy Lands Act, that was passed last year, as a legislative initiative, I think the Legislature should have a role in determining what lands are going to be purchased. And if ultimately that purchase and use of the Legacy Lands Fund will require legislative approval, I don't see any reason why the Legislature should not be involved, at least in the consultation process. There's no approval process here. There's nothing requiring that the Legislature actually have a vote. All it does is mere notice and consultation. 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:

"Thank you, Mr. Speaker. I stand in support with reservations. The proposed bill requires the Board of Land and Natural Resources and Department of Land and Natural Resources to confer with the House Speaker and Senate President relating to land acquisition planning, exercise of eminent domain, acquisitions of purchases or gifting of land, and the selling, leasing or conveying of land.

"While this measure opens the avenues of communication and consultation between State departments and the Legislative body, my concerns are in the legislative disapproval which could create problems because landowners would be reluctant to purchase land if the legislature could come in and void agreements. Introducing an element of uncertainty of a legislative approval or a disapproval process could possibly hinder and complicate the overall process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3077, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Marumoto, Moses and Stevens voting no, and Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1613-06) recommending that S.B. No. 2385, 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. 2385, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm going to talk about a few parts of the bill, with reservations. Some of these comments I made before and they still haven't been fixed so I'm going to point them out.

"On page 7 of the bill, you're talking about photo red light imaging detector systems. This measure by the way is the photo red light at intersections, which is good. That's good. The problem is how we go about it. So it talks about the detector system and then on page 8 it says, 'no summons or citation pursuant to the photo red light imaging detector system program should be issued unless it contains a clear, unobstructed, photographic, digital or other visual image of the driver of the motor vehicle.' Okay.

"Then it goes on the page to talk about summons or citations. And when we come over to page 9, it says, 'the registered owner shall be determined by the identification of the vehicles' registration plates.' So on one case it says the photo of the driver and in another place it talks about the registration plates. So it's inconsistent internally, and it's been inconsistent internally when it was the House bill, and now as the Senate Bill. And unless we get that fixed, the measure is not going to be upheld in court. 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. 2385, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Marumoto and Thielen voting no, and Representative Stonebraker being excused.

At 10:35 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 696, SD 1, HD 2	S.B. No. 3009, SD 2, HD 2
S.B. No. 785, SD 2, HD 2	S.B. No. 3077, SD 2, HD 2
S.B. No. 2246, SD 1, HD 2	S.B. No. 2385, SD 1, HD 2
S.B. No. 2980, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1614-06) recommending that S.B. No. 3138, 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. 3138, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1615-06) recommending that S.B. No. 2337, 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. 2337, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Third Reading by a vote of 46 ayes,

with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1616-06) recommending that S.B. No. 2338, 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. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1617-06) recommending that S.B. No. 2340, 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. 2340, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1618-06) recommending that S.B. No. 3252, 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. 3252, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1619-06) recommending that S.B. No. 2958, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2958, 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. I rise with reservations on 1619. This is relating to housing. It's the Housing Omnibus Bill. And the 5% of the State low-income public housing units put aside for grandparents who are the primary caregivers for one or more of their grandchildren violates Chapter 515 of the Hawaii Revised Statutes.

"The Attorney General is concerned that if the grants were made pursuant to Chapter 42F of the HRS, the requirements of Chapter 42F must still be satisfied before funds can be appropriated. Basically it says, a grant must be appropriated to a specific recipient tied to a program.

"Additionally, section 10 states that the remaining fiscal year '07, undistributed grant funds be transferred to public housing. However, funds will lapse on June 30, 2007, and there will be no money on that date to appropriate. The conveyance tax would be deposited into the Rental Housing Trust Fund. This type of funding is unreliable and could hamper the fund in the future.

"Finally the bill mandates that Hawaiian Housing Finance and Development Administration exercise its powers of eminent domain on the Kulana Nani property with an agreement to acquire properties

not leased by June 30, 2007. This amendment of the bill hurts the land owned by Kamehameha Schools because perspective buyers now know that Kamehameha Schools must rush to complete a deal before eminent domain proceedings occur."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

At 10:37 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3138, HD 1	S.B. No. 2340, SD 1
S.B. No. 2337, SD 1	S.B. No. 3252, SD 2, HD 1
S.B. No. 2338	S.B. No. 2958, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1620-06) recommending that S.B. No. 2248, 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. 2248, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1621-06) recommending that S.B. No. 965, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 965, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in support of SB 965 SD2 HD1. This bill is absolutely essential if we want to crack down on large and small ice dealers. The electronic surveillance law presently on the books is useless. It has only been used a few times. We have one of the worst ice problems in the country, and because of that, the federal government established a High Intensity Drug Trafficking office here about four years ago. That office, in coordination with HPD, Narcotics Division, has been responsible for some very large drug busts over the last three years. The Feds have very sophisticated electronic surveillance systems and they gather a lot of hard evidence on our local ice dealers in the process of getting self-incriminating recordings on the big fish they are investigating. Unfortunately, with our present law, State prosecutors can not use any of the recordings gathered by the HIDTA office because our local courts would rule it inadmissible because our law does not allow for electronic surveillance without a prior judicial hearing. This bill will change our law to conform to the federal law. Thank you, Mr. Speaker."

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 rise to strongly support passage of SB 965, S.D. 2, Relating to Electronic Surveillance.

"Law enforcement agencies in Hawaii have had their hands tied with the current restrictive language in Chapter 803, Part IV, Hawaii Revised Statutes, which covers electronic eavesdropping. Electronic technology has been evolving rapidly and will continue to advance.

"This bill is supported by all law enforcement agencies in Hawaii including federal agencies; the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). This bill will bring Hawaii law closer to conformance to federal laws, as well as the laws of the other states. Attorney General Mark Bennett has indicated in his testimony that Hawaii's existing wiretap law was found by the attorneys of several other states to unnecessarily impede law enforcement while imperiling the safety of the law abiding citizens.

"Because of Hawaii's current restrictive law, evidence which has been obtained through federal warrants may not be admissible in state courts. This has been a significant problem as federal agencies such as DEA work to assist local law enforcement in battling the major methamphetamine problem.

"It was recently reported in the Honolulu Advertiser that a massive two year FBI investigation produced indictments charging more than 35 persons with felony gambling, cockfighting, extortion and drug offenses. This investigation started when an informant identified the home of an FBI secretary as a "drug stash" house. Fortunately this became a federal investigation where wire taps were used to identify at least five HPD officers, an Aloha Stadium security official as well as the Honolulu Liquor Commission investigator supervisor. Without the benefit of wiretaps, most, if not all, of these alleged felons would not have been caught and indicted.

"There are adequate provisions included in the law to protect the law abiding citizen from unwarranted electronic surveillance. 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. 965, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Evans voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1622-06) recommending that S.B. No. 439, 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. 439, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1623-06) recommending that S.B. No. 613, 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. 613, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1624-06) recommending that S.B. No. 2433, 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. 2433, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM WITNESS

ASSISTANCE PROGRAMS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1625-06) recommending that S.B. No. 2887, 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. 2887, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 2887, HD1. This measure will provide greatly needed vocational education teachers in Hawaii's schools. Currently, there is a severe shortage of teachers in career pathway courses. Also, many highly qualified individuals with real-world experience who wish to teach are being turned away due to existing teacher licensing practices. In 2004 alone, there were forty thousand public school students enrolled in vocational education classes in Hawaii. We cannot abandon these students.

"Granted, we cannot simply allow anyone to teach in our schools, but by directing the Hawaii Teachers Standards Board to create alternative standards for vocational educators, we will ensure the future of vocational education in Hawaii's public schools. Passage of this measure will greatly aid our *keiki* in the job market of tomorrow. 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 Stand. Com. Report 1625-06, SB 2887, S.D. 1, H.D. 1.

"Mr. Speaker, as a former Vocational Education teacher and the former President of the Hawaii Vocational Association and Hawaii Industrial Arts Association, I understand the plight vocational education in the secondary schools have in recruiting qualified teachers. This measure would help to mitigate the shortage of vocational education teachers by permitting the Department of Education to develop criteria allowing more individuals with trade or industry experience to teach in a vocational, technical, or career pathway education. Additionally, this measure will authorize the Superintendent of Education to issue teaching permits to highly qualified individuals with pertinent trade or industry experience. These individuals will not, I state will not, be issued teaching certificates.

"Mr. Speaker, in the future these individuals should be certified upon completion of their probationary period and recommendation from their principal.

"Mr. Speaker, this is a measure that will help the Vocational Education programs in the secondary schools in the State of Hawaii and I ask all my colleagues to support this measure."

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 rise in strong support of SB 2887. In order to give Hawaii's children more opportunities we need to address the increasing shortage of vocational education teachers and create alternative criteria to allow greater numbers of prospective and qualified vocational, technical, and career pathway teachers with trade or industry experience to teach in classrooms. The Department of Education has been unable to hire and adequately train classroom teachers within the Career and Technical Education pathway. There should be other measures of qualifications so these teachers can become available and guide students into careers needed to support industries in Hawaii. If we don't change this current problem, there will be long-term consequences and opportunities for teachers and children will be lost.

"Children need a variety of learning experiences and pathways to choose from. Giving Hawaii's children more options in specialty areas such as carpentry, landscaping, plumbing, and engineering can produce more successful pathways for different individuals. I think it's important for students to take a career core class that introduces them to particular career pathways and provides them guidance on what courses they can take that will pertain to their interest in their future career. Let's support SB 2887 for the sake of Hawaii's youth. 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. 2887, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1626-06) recommending that S.B. No. 2948, 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. 2948, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support with brief comments. Thank you very much. This bill represents a good faith effort on the part of the Legislature and the Administration to fulfill its trust responsibilities as mandated by the Admissions Act of State Constitution and our statutes. 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. 2948, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 10:40 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2248, SD 2, HD 1	S.B. No. 2433, SD 2, HD 1
S.B. No. 965, SD 2, HD 1	S.B. No. 2887, SD 1, HD 1
S.B. No. 439, HD 2	S.B. No. 2948, SD 1, HD 2
S.B. No. 613, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1627-06) recommending that S.B. No. 3120, 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. 3120, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1628-06) recommending that S.B. No. 1223, 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. 1223, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. I appreciate you going back to this to this measure. I rise in opposition. The purpose of this very short measure was to increase the return of bounced check fee that's charged to consumers. And the current fee is set, Mr. Speaker, at \$20 and the testifiers wanted it increased to \$30.

"In the Finance Committee, we heard some testimony from the Office of Consumer Protection and they found that similar fees in other states do range from \$10 to \$30, while local financial institutions charge about \$20. At this time, the Department was not aware of any cost analysis justifying an increase in the fee. And during previous hearings on this matter, no statistical justifications from the industry were provided.

"As we heard in the Finance Committee, only general statements were provided regarding the increased expenses of the industry that goes out and collects these bounced checks or tries to collect payment for them.

"If the proponents really believed that fee is justified, they really should come up, Mr. Speaker, with some information validating their position. I believe that we need to take into account, how the consumers will react if all, of a sudden a bounced check fee goes from \$20 up to \$30 and they see that on their statements. 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 as well. It is interesting that in Committee, there were no bankers in there. These were all collection agencies. And through the questioning by various members on the Finance Committee, it became pretty clear that the collection people, the bulk of them I mean, collecting bad debts, where they're keeping usually about 50% of what they collect and that can add up to a lot of money.

"The banks are not complaining about the \$20 fee. They are normally taking it from their customers when they pass bad checks or people have a cover check agreement with the bank, where they still pay a fee. This fee was raised about six years ago. This could hit a lot of young people who are just getting out on their own, who maybe aren't as careful as they could be. They're busy balancing college and jobs. They go to the ATM machine and the bank says they got plenty of money, they don't think about the checks that are out.

"I don't think this is something we should do in a big hurry. I would have liked to have seen a more balance representation of people that would be affected by this, rather than just one industry. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Thank you. Mr. Speaker, I was just hearing some of the debate just a little while ago with the two previous speakers, I was thinking to myself, who does this really affect? And the pictures that come in my mind are those who live from paycheck to paycheck. Every other week, every

month. Trying to make ends meet and then you come up with maybe one day when a paycheck comes in late.

"Or you're trying to juggle your money around and between paychecks. Now this is a long time ago that I use to do this, a really long time ago. However, I can still feel the pain of what it's like to juggle paychecks. And what happens when say you are sending out your bills because you want to make sure that you're paying your bills on time and some people actually, I think they call it 'check surfing', where they wait for their check to come in. Well they don't wait for the check to come in, but they know that their paycheck is coming in and so they send out some checks so it's not late and they basically are looking for those couple of days. So say if they're short, sometimes these checks all come in on one day. So you have maybe one, two, three, four, five checks. At \$20 apiece currently, that could take you out of a budget if you're working from month to month.

"Now I believe in personal responsibility and you shouldn't be doing stuff like surfing checks and all those other things, but many of our people in Hawaii do it because it they have to. We live in a society where we have a high cost of living, and we also have basically one of the highest tax and even tax for our poor, so I'm just thinking that this not a very good idea. This isn't an issue, from what the previous speaker said, it's not an issue with the banks. So my real concern is, who will this affect? And a 50% increase is quite a large increase and if I'm not mistaken it's blank at this point so it could be even higher than that. Thank you."

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

"Mr. Speaker, in opposition. I would like to request that the words of the Representative from Waikiki be inserted in the Journal as my own. She does make a lot of good sense. She actually convinced me," and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1223, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Cabanilla, Ching, Finnegan, Halford, Marumoto, Meyer, Pine, Sonson, Stevens and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1629-06) recommending that S.B. No. 2546, 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. 2546, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. This is a very historic bill that will enable Hawaii to have a diversified economy by supporting Hawaii-based businesses in the fields of technology, life sciences, and renewable energy. Currently, Hawaii is in the beginning stages of establishing a strong knowledge-based industry. Unlike other areas of the United States and world, Hawaii-based businesses in these fields lack the amount of capital investments needed to move them from product development to commercial success.

"This measure will play a huge role in solidifying a new economy in Hawaii based on technology, life sciences, and renewable energy

by establishing \$100,000,000 Hawaii innovations partnership special fund for the fiscal year 2006-2007 to invest in these entrepreneurial ventures through grants and capital investments. Thereafter, from 2007 to 2011, there will be an annual appropriation of one-half of one percent of the general revenues of the State into this fund. Thank you."

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

"Mr. Speaker, I'd like to enter a no vote on this measure. While I am sure it was with well intentions that this bill be gutted, I'd like to bring to the attention of this floor that this particular bill, Senate Bill 2546, originally came over to us as a bill to establish a taskforce to study the feasibility of establishing a Hawaii Construction Authority.

"Somehow in the process of our House process, it has now become a Hawaii innovations partnership corporation bill with some, I think very good language because I truly support the life sciences and technology and advanced technology.

"However, as I have made comments on this floor time and time again, process is one of the things that drives discontent. We have discontent coming, bubbling all the way up through our grassroots communities. We have discontent on the floor. And I have discontent within myself.

"I'd like to refer to *Mason's* section 402 that says that amendments must be generic or germane ..."

The Chair interjected, stating:

"Representative, you're out of order. Our discussion right now is on House Draft 2 of Senate Bill 2546. Please keep your discussions germane to that House Draft."

Representative Harbin continued, stating:

"Then germane I think is the key word here, Mr. Speaker, and with that being said, that we agree that there must be germaneness, I will let that particular issue pass.

"However, I would like to also bring to the attention of this Body that this particular measure may be constitutionally unfit. In *Taomae v. Lingle*, which I think we are all aware that our Hawaii Supreme Court was very clear on constitutional amendments. However, it has also said in that same Supreme Court decision, and I have a letter from the Attorney General that says that a bill cannot become a bill or a law unless it passes three Readings on different days in two houses.

"This bill is a 'gut and replace'. That's not germane. Different subject matter is destined for untimely death unless we get it heard in Senate. These are the 'gut and replace' issues that we must stop because it is going to kill good ideas such as this. Thank you."

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

"Thank you, Mr. Speaker. With reservations. I think also as the previous speaker said, there are some very good ideas here. I support the industries that would be helped by this and it will establish the Hawaii Innovations Partnership Corporation.

"The thing is it appropriates a \$100 million out of general revenues. \$100 million into the Innovations Partnership Special Fund and 0.5% of general revenues for the next five fiscal years. I have these following concerns.

"One is the size of the appropriation. And again \$100 million. Investing it and helping Hawaii's high tech and life sciences industry is certainly important. Appropriating \$100 million now while there is so many other pressing needs seems a bit much. There are other

things that need our attention that should be prioritized above this idea. Why not \$50 million? Why not \$25 million? Why not just get it started? Get a seed started?"

"It not only puts \$100 million general revenue, it also appropriates that half percent of the general revenues for the next five years in the special fund. Again a lot of money in binding future Legislatures. Not only is it a large appropriation, it is a percentage amount, not a specific dollar amount.

"B&F testified that this is impossible to implement because it is impossible to determine the exact amount of the appropriations until after the close of the fiscal year. A specific dollar amount should be identified, and again recommend that it be a smaller amount. This is for partnerships. Let the venture capitalists out there put in some too. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. This particular bill, it's actually a good idea, but as I look at it as a whole, I have to go in opposition. This bill appropriates \$100 million and perhaps in excess or, I guess there's different numbers. In excess of \$200 million, or possibly \$400 million, or \$600 million, or depending upon future numbers, but by the end of the five years.

"What is the State's guarantee that these local companies and enterprises that this bill seeks to aid will actually remain in Hawaii? If the intent of this bill is to provide financing and further investments in Hawaii's companies, in an effort to allow them to remain in this State and contribute jobs and tax revenues. What guarantee does the State have that once these companies, quote unquote, make it, so to speak, that they in fact will remain in Hawaii and contribute jobs and revenues? When a company succeeds and they no longer needs Hawaii's help, what would stop this company from moving to a more business-friendly state.

"If I'm not mistaken, Mr. Speaker, I think this has happened when we were using incentives from the Act 221 tax credits. And I'm just thinking in regards to prioritizing, then maybe we should be making or helping the business climate improve, so that these funds and these companies will remain in Hawaii once we invested over whatever, the hundreds of millions of dollars in this bill.

"Mr. Speaker, I was wondering if it was okay for us to just maybe learn some lessons from Act 221 and be able to speak on that?"

The Chair responded, stating:

"Can that be inserted in the Journal?"

Representative Finnegan continued, stating:

"Okay, then just let me go ahead and talk about one of the issues with the Act. I'll talk just a little, a little bit. Act 221. Basically one of the problems that they're facing and we have responded by creating this SPIF fund. I think it's called the State Private Investment Fund, but my understanding is that we haven't funded that yet. And before we go on to a new idea, maybe we should complete that idea and fund what they need to be funded at this point and time, which is in the later stages of business development. And follow through with one of the ideas before we go into a brand new or another area.

"Mr. Speaker, in regards to Act 221, one of the other things is just knowing that we need to plan better, and we need to assess a little bit better. This is a big amount of money. And one thing that happened with Act 221 is Guy Kawasaki, a co-founder of Apple, once commented that in order for Hawaii to have a self-sustaining tech industry, Hawaii needed to improve its public education system and its business climate. This grant is meant to jump-start a new economy in Hawaii by taking a strong step forward in supporting the

development of advanced technology, life sciences, and renewable energy, but do we have what it takes to sustain this effort? Where is the clear and coordinated long range plan so we can explain how we will be equipped with a work force of well-educated workers in these fields, and how will we improve our business climate in order to keep these businesses here for the long term?

"Mr. Speaker, basically all I want to know is before we commit to this huge amount of money, that we know that this will benefit Hawaii's people, long term. Thank you."

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

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill proposes the creation of a brand new entity that would more than likely duplicate functions and responsibilities already performed by other agencies like HSDC and HTDC. I think that we should look back at some of the problems we had with Act 221, the tax credit for high tech. There was a lack of transparency and I'm concerned about that same problem with this bill.

"I'm also concerned about the use of general funds to make these loans to these attractive looking companies that are up and coming. Whenever the State gets into the business of lending money, I think back at the fishing vessel loans that DBEDT got into and the fact that there are so many loans still on the books, bad debts that they haven't been able to collect, and that's been probably over a 15- or 16-year period. And I think there are companies that are in the business of lending money, venture capitalists. So those are some of the problems I have with this bill as it's presently written."

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

"Mr. Speaker, I rise in support. I really support this because I think we've heard a lot of rhetoric throughout the years about our need to diversify our economy and it's time that we start putting our money where our mouth is.

"Because really when we take a look at the recent poll that came out in the *Star-Bulletin* today, for the first time in 2005, a majority of the people feel that this island is being run for tourists at the expense of local people.

"And while we do need to support our tourism industry, as one of our prime drivers in this economy, what we also need to realize is that we need to diversify. Because we cannot be too dependent on one industry especially in today's society when that can be subjected to something as extreme as a terrorist attack as we saw with 9/11, when our tourism industry completely fell apart.

"With the upcoming negotiations that are going to happen in June, there's also that potential that our tourism industry could once again fall. And I think it's really important for us to start looking at where we are going to diversify and this is an excellent place to start. To make sure that the people that want to stay here, the people that have the intellectual capacity to make sure that our kids stay here, that there's future jobs here, that we really make sure that this happens. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition, just this one comment. That's something that I definitely agree with, with the

previous speaker, that we do need to diversify our economy. However, in regards to some of our top jobs here in Hawaii, we still are looking on the mainland to bring people in to fill those jobs. And so all I'm asking for is a plan and a better idea of how we can see these moneys help Hawaii in our diversification of our economy, but also what is the follow through so that it would be most effective. Thank you."

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

"I'm sorry, Mr. Speaker, I just have to say my piece on this. \$100 million is a lot of money. I stand with reservations. \$100 million is a lot of money and you have listened to me repeatedly in this Chamber. I keep talking about infrastructure that we need in Ewa Beach. I would rather see that money, that \$100 million, allocated to my district so we can have transportation.

"We suffer gridlock everyday and I would like to remain consistent. I know that I'm in opposition of the \$50 million in tax credit. I stand in opposition of this \$100 million, because I think that we need to allocate it the people on the Leeward side. 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. 2546, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Finnegan, Harbin and Meyer voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1630-06) recommending that S.B. No. 2909, 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. 2909, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With reservations. This measure is relating to permit approval. And it gives is the counties the option to opt out of automatic permit approvals. We've heard some good comments here. It said that requesting and allowing the counties to opt-out of a process has resulted in improving government accountability. Focus shouldn't be on eliminating the time requirement, but having reviewing agencies become more proactive in planning the processing of permits. And what it does again Members, is if the counties don't act in time, the builders, the developers, whoever it is, will get automatic approval to move forward. Whether it's building a new dam, reservoir, subdivision, whatever it is, it'll be automatic approval. 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. 2909, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Marumoto, Meyer and Pine voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1631-06) recommending that S.B. No. 3021, 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. 3021, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise with a strong no on this measure. This is unprecedented or maybe it is preceded. I just was not around when the precedent was set. But the precedent of regulating something that is not mandated is rather interesting to me, considering two bills earlier we were discussing and talking about how great this new economic development will be as it was talked about in Stand. Com. 1629.

"Bills like these, measures like these, that seem to have been around for four years and don't seem to die a natural death, they just keep seeming to come back and come back and come back. These are the types of things that make a \$100 million dollar worth of investments useless because this is an anti-business bill.

"What we are trying to do here is completely 'saddle strap' businesses because they cherish their employees and are concerned for their employee's health, provide them unmandated sick leave. Now we're going to regulate their sick leave through legislation and say, you must do X, Y, Z. And in sitting in these hearings it seems to be that this has been an ongoing issue because of one problem with one large employer in the State of Hawaii with their union. But now this bill is going to impact every business, whether you are a 'mom and pop', or you are a multinational, global business.

"Mr. Speaker, we have got to stop this stuff. We got to stop mandating and regulating businesses. If we want that economic development, we need to become business friendly and we need to understand the trials and tribulations of business. I had asked that we at least experiment and make this law only impact businesses of a 100 or more employees, and that wasn't even given any attention. So let's let this bill die its timely death and let it not come back again. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. Thank you. Looking at the Committee Report and the number of testimony there were that opposed this measure, I would hope that in Conference we get to iron out whatever details were offensive and that might provide a fair and balanced approach to this whole issue. Thank you."

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

"Mr. Speaker, I rise in support. As you know, this Legislature has attempted to address this issue in the past and we continue to address to this day. We have worked hard both labor and management to try to craft legislation that would be acceptable to both sides. And I have to thank everyone who's been involved, including the Minority Leader, who has met with this group to try to come up with a proposal because I think she understands what the problem is.

"And the problem Mr. Speaker is simply this. Companies have a sick leave policy. They provide their employees a certain amount of sick leave. Then they have an absentee policy. So you're a legitimately sick employee who is out of the office because you're sick, and you get written up for being absent.

"Now what employer will want to actually do that? There are few that do, and unfortunately it's those kinds of actions that require legislation to address the problem. I can't see how anyone wouldn't want to try to resolve it. This legislation that we're looking at today is not perfect, but I think it's a step in the right direction. I think the Finance Committee is trying to get to some middle ground, and we're looking at that middle ground right now.

"And as we move into Conference, the discussion can go on. And I welcome working with all parties, all stakeholders, including the Minority Leader, to come up with something that doesn't penalize legitimately sick people, many of them, working mothers, for being out of work and still being written for being absent. And while they

may not be terminated, they may look at their promotion opportunities being limited because of their file being papered. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. Yes, I am the Minority Leader so I will speak to what I understand this bill to do. I'm rising with reservations. Thank you, Mr. Speaker. I do know that there needs to be work on this bill and that trying to get at the problem of the conflict that there is an absentee policy and a sick leave policy is a difficult one.

"I know that there's been many drafts to see whether or not we could actually address the problem. And for me, I think one of the issues that I have, because I came very close to voting against this bill just a couple minutes ago. But I decided to change my mind because just within me, deep within me, there's a little bit of sense of unfairness if you have a conflicting policy of benefits that talk about having large sick leave, but then when you legitimately use them, that you get dinged for an absentee policy.

"So I hope that we can get to that problem. If we cannot get down to that problem and it continues to still have some issues, I will be voting no in the future. However, just to make known that I think that the amendment, that it not be considered that we carve out basically small businesses, I think that would be a very good amendment. Thank you."

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

"Thank you, Mr. Speaker. I'm just going to comment my reservations on this bill. This bill is going to go to Conference and frankly, I'm okay with this discussion so I'm willing to let it go on. However, if this were the final version, I would vote no.

"Mr. Speaker, I don't see this so much as an anti-business bill, but it is. I see it more as an anti-worker bill because Mr. Speaker, the sick leave is provided voluntarily. These companies are providing, coming up with sick leave, providing sick leave for their workers. Not because they're required to but because they see that it's useful for workers usually.

"The more that we do to constrict or hamper the ability of business to provide sick leave, the less sick leave they're going to ultimately provide. And while this may not affect sick leave policy within a business's current budget, I think we will find that in their next year's and following year's budgets, the more we constrain them, the less sick leave they will provide their workers. Thank you."

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

"Thank you, Mr. Speaker. In opposition. You already heard that it could have unintended consequences. Some employers might just decide they're not going to give sick leave anymore and they could do that. But it's also an unwarranted intrusion into the operations of businesses and management's right to provide and administrate a nongovernmental mandated benefit.

"It might place every employee who took sick leave in a protected class which would incur far less complaints of alleged unlawful practice. It's unnecessary as the State and federal laws on disability, discrimination, and family leave already extend protection to individuals whose absence from work is legitimate or are not covered by sick leave as under the Family Medical Leave Act, and American with Disabilities Act, and the Hawaiian Employment Practices Act. And for public employees, the measure deals with the subject that is related to collective bargaining and therefore should not be legislated."

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:

"Thank you, Mr. Speaker. I rise with reservations. This measure prohibits employers from discharging, withholding pay, or disciplining employees who use accrued sick leave, unless the employer finds employee's use of sick leave was not legitimate or violated sick leave policy, or if the employer's actions are in accordance with provisions of the attendance policy.

"This measure helps to address a situation where employers might treat abusers of sick policies and legitimately ill individuals in the same manner, having legitimately ill workers disciplined by employers for utilizing available sick leave benefits.

"However, I am concerned about the possible unintended consequences in mandating employer actions regarding sick leave policies, and the potential of this measure to add cost to business, eventually hurting employers as well as the employees' and economy as a whole."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3021, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Evans, Harbin, Marumoto, Meyer, Moses and Pine voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1632-06) recommending that S.B. No. 2074, 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. 2074, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1633-06) recommending that S.B. No. 845, 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. 845, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 11:10 o'clock a.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:13 o'clock a.m.

At 11:15 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3120, SD 2, HD 1	S.B. No. 3021, SD 2, HD 2
S.B. No. 1223, SD 2, HD 1	S.B. No. 2074, SD 1, HD 2
S.B. No. 2546, SD 1, HD 2	S.B. No. 845, SD 2, HD 2
S.B. No. 2909, SD 1, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1634-06) recommending that S.B. No. 2347, 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. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," passed Third Reading by a vote of 49 ayes, with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1635-06) recommending that S.B. No. 2725, 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. 2725, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," passed Third Reading by a vote of 49 ayes, with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1636-06) recommending that S.B. No. 2961, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2961, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. This bill is a tax increase on the citizens of Hawaii. I'm disappointed that this bill appropriates no money toward educating our youth about smoking. It doesn't raise money for any smoking prevention program.

"Hawaii tax rates on these products are already among the highest in the nation. Even though the Attorney General has the authority and stopgaps are in place to stop black marketeering, with the immensity of the Internet, total stoppage of a black market created by this large tax increase is unrealistic.

"This tax is not a reliable funding mechanism. The UH School of Medicine, the Emergency Medical Services Special Fund, the Trauma Care Fund, and Department of Health, who this bill will benefit will not have a regular flow of money year to year from this tax and will not be able to correctly budget this appropriation because it will fluctuate each fiscal year.

"If this Body is really concerned about the people's health and not about funding special projects through this tax increase, we should look at banning tobacco in its entirety from Hawaii, not by raising taxes on an addictive product that we know many people will buy even if the prices rise."

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

"Thank you, Mr. Speaker. I am voting with a strong no. A tax increase, is a tax increase. We have got to stop raising taxes. The gross excise tax is one of the most permeating taxes we have in the State of Hawaii with its pyramiding effect and impact. And to take a tax increase on the lives of people that smoke cigarettes, I think is dreadful. It's a terrible, terrible policy.

"We attempt to sugarcoat this horrible tax on this horrible product, cigarettes, by saying that we're going to take all this wonderful tax money and we're going to spend it on research. We're going to spend it on EMS services. We're going to spend it on trauma care, as if this is a really good excuse to encourage more cigarette smoking so that we can make more money.

"This is just not a good public policy and I am embarrassed that we would even put the two things together, research and trying to save

lives, as we take money from those that we allow to kill themselves. Thank you."

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

"Thank you, Mr. Speaker. I rise with some reservations. The original version of the bill had the Cancer Center as one of the recipients of the revenues generated by the tax and I would just like to see that in Conference Committee, the Cancer Center be included just because for me, in order to vote for a tax increase, I really do need to see a nexus of what it's going to be used for. And I believe that having the Cancer Center as a recipient makes it a little more palatable for me. Thank you.

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

"Thank you, Mr. Speaker. I speak in strong support of this measure. I would consider this the second silver bullet of our double-barreled approach to address smoking. I'm not ashamed that we can tax people that not only put themselves at risk, but put others at risk too with their smoking.

"I think the really great thing about this increase in taxes is it affects young people because young people are the most price sensitive in terms of these increases. I think all of us would agree that one of the best strategies we can employ is to keep young people from starting smoking because when they do start, when they become addicted, many times it becomes a life long habit that's difficult to break.

"And so this measure does serve several purposes. I know we can argue about what the purpose of the tax should be. This is one of the few times that we are able to earmark funds from the tobacco tax for specific purposes. But I think if you look at what the purpose is that are being proposed, including the proposal in the original measure, it all has to do with healthcare and improving healthcare, improving research. And I don't think anybody can argue that the people that do smoke place a large burden on the resources of our healthcare system whether it's directly or indirectly. So I don't think there's any shame about sort of having, sort of like a 'sin tax' for their not being willingly to give up a habit that is costing our healthcare system a lot of money.

"So I hope people can see that. I hope they can see through the smoke and see the real issue that's at hand. Thank you."

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

"Thank you, Mr. Speaker. I just rise with some reservations and they stand for my disappointment also that cancer research has been deleted in this draft. I would also like to ask for additional written comments be entered," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support, but with reservations.

"This measure would significantly increase taxes on tobacco products as a means to discourage the initiation and continuation of tobacco use and allocates an unspecified amount of revenues to the John A. Burns School of Medicine, Emergency Medical Services statewide Trauma Care Resources and Community health centers statewide. My hopes are that the allocation to the Cancer Research Center will be reinvested however, as I believe that this is the most appropriate and effective use of this revenue.

"My reservations rest with the concern that black markets on cigarettes not be increased as a result of this measure."

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. You know I was dedicated, at least I was going to pass out a bill increasing the cigarette tax for the Cancer Center because there was an internal struggle. Raising taxes or missing out on the opportunity of coordinated cancer care and developing and building the Cancer Research Center, and the Cancer Research Center won out in the previous bill. I was prepared to vote with reservations in passing that tax increase.

"However, in this form, I cannot. The Cancer Center is ... Well basically, I'm looking at some of these other things and these all should be, with our surplus, should be funded by the general fund. These are our obligations that this State should be funding, and so I cannot support it in this form. But if it should come back with the Cancer Center in it, it's very possible that I will pass that out."

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

"Thank you, Mr. Speaker. Very briefly in support. There's a definite nexus between tobacco use and our healthcare crisis in our State. Resources will only go into healthcare. They'll make it to research, they'll make it to a cancer facility. I think we can all be proud of that. And I like to say that I'm happy to see that we did have bipartisan support. The Governor and the Surgeon General of the United States came and testified on behalf of this bill, in support."

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

"Thank you, Mr. Speaker. Just in opposition with very short comments. Just the fact that we in Hawaii, we're the only state with the gross excise tax which is very regressive, and the people in the lowest income bracket get hit the worst. I think we were number two in the nation for taxing the poorest amongst us at the highest level. And a lot of people in the lower income bracket also enjoy smoking. This is a large increase going from 9 cents, to 11 cents, to 13 cents per cigarette, on top of a 40% excise tax on cigarettes in general. This hits these people in a very big way. A tax is a tax, and I just can't support this."

Representative Arakaki rose to respond, stating:

"Thank you, Mr. Speaker. If you can indulge me. One thing that I forgot to mention is that one of the proposals that the House inserted was to fund the Medical School debt service. One of the reasons we're doing that is because they're currently using the Tobacco Settlement funds to cover the debt service, and we felt that by returning the funding for tobacco cessation and prevention to the Tobacco Settlement Fund, it will be better used for that purpose.

"Again Mr. Speaker, I want to thank those passionate advocates, and I know they're up in the gallery, from the Tobacco Free Coalition and the American Heart Association, and also the American Cancer Society, for their steadfast support of these 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. 2961, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Evans, Finnegan, Harbin, Meyer, Moses and Pine voting no, and with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1637-06) recommending that S.B. No. 2162, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2162, 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. As I understand it, a foster child would, if they had an auto accident, their damages would be paid by the State. But it would appear to me that if foster parents had a car, or two or three, and allow the foster child to drive the car, then the child would be covered by the parent's insurance. So I would assume that this would apply when the foster child has his or her own car. And it would occur to me that if they have enough money to purchase a car, then they should have enough money to purchase their own insurance.

"I object to this because if the State pays any damages, it's paid by all policyholders, and that's why our auto insurance gets expensive from time to time. Thank you."

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

"Mr. Speaker, in strong support. Mr. Speaker, this bill is to help foster children successfully transition out of foster care into independent living. Sadly for many foster children, the difficulty in obtaining parental consent on an application for an instructional permit or license proves to be an insurmountable barrier, and one that most of us could not imagine.

"I do hear the objections about some about the provisions regarding the car insurance. Let me point out that the bill does say that the natural parent should be responsible for providing the insurance on the car, and there are provisions where if they cannot afford to pay that, the State should cover it. I must remind you that we're talking about minor foster children who are wards of the State.

"The other thing about this bill is that it does also allow foster board payments to be paid directly to a former foster child. Mr. Speaker, these are things that the Hawaii Youth Services Network, which consists of many foster children have testified in strong support of consistently throughout this Session. I think it's really critical that we as legislators listen to the voices of the foster youth in passing this important bill. I also have additional written comments in support," and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of a bill which will allow foster children to apply for a driver's license.

"The purpose of the bill is to help foster children successfully transition out of foster care and into independent living. Sadly, for many foster children, the difficulty in obtaining parental consent on a driver's instruction permit or license proves to be an insurmountable barrier - one that most of us could not imagine having to contend with. As stated in the Committee Report of the Committee on Consumer Protection and Commerce, "this bill is consistent with the State's responsibility to provide the best possible care of its foster children."

"Some may object to the bill on the grounds that driving a motor vehicle is privilege, not a right, and therefore the State has no obligation to provide the means or facilitate the process for a foster child to apply for a license. I would submit that in our present-day economy, the ability to drive is not a luxury. It is often a necessity for certain types of employment. One of the keys for young people to transition out of foster care and take their place in the community as productive citizens is to find a job. A driver's license may very well make a difference in enabling that youngster to secure meaningful employment.

"Others may object that the bill requires a foster child's natural parents to pay for the child's car insurance, with such a requirement not only being burdensome but also coercive. I must note that the bill does establish provisions for payment if the natural parents are unable to pay, and does not apply in circumstances where the foster parents are cooperative with the drivers' license process and willing to cover car insurance costs. Further, the bill is only intended to apply to minor foster children, who, I must emphasize, are wards of the State. I would also add, that foster children are no different from other teenagers when they reach legal driving age. Since it is the rare young person who is able to afford his or her own insurance, it is the parent who assumes that responsibility - hopefully, with the son or daughter contributing at least some share when possible.

"Another benefit of this bill is to allow foster board payments to be paid directly to a former foster child. This is a good bill, Mr. Speaker, which is strongly supported by the Hawaii Youth Services Network and many others. It will help deserving young people to join their peers in enjoying the privilege of driving - an accepted part of "coming of age" in our society."

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

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. There's a part in this bill that repeals the medical and social records requirement to be given to the foster parents, and I wondering if there's an unintended consequence with that, if I read the bill correctly.

"Basically, my husband and I have been thinking for a long time and contemplating whether or not to become foster parents. We don't necessarily want to have any more biological children, or at least I'm not willing to have more biological children. But if given the chance, I would love to foster parent some children.

"And when I take a look at this, I'm looking at my own family. I have young kids, and many of the foster kids have challenges and some of them are at-risk. Now in order for me to know and make good choices for what's good for my family, I will have to take into consideration the time constraints that I have with this job and other things in order to make a good decision about foster parenting. And this is one of the things that would help me make that good decision, and if I don't have, if I'm not given those type of records to help me understand what kind of commitment that I'm making for a foster child, then I just may turn around and just say, 'Well you know what? Then I won't do it.'

"And I'm not sure as to the reasoning for taking this out in this particular bill, but I'm very concerned that is would an unintended consequence that would shrink the pool of foster parents willing to open up their homes to foster children. Thank you."

Representative Stevens 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 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:

"I have reservations about SB 2162 HD1, Mr. Speaker. I am not against foster children getting drivers licenses, but I believe the foster parents should be included in that decision. They may not want the foster child driving their car, and they should not be forced into a situation where the foster child gets the director of DHS to sign an application for an instruction permit, and then hound the foster parents to teach them how to drive.

"An even more troubling part of this bill is section 6. This section amends present law by removing foster parents as a party to whom the DHS should disclose the foster child's medical records and relevant social history within thirty days of foster placement. I believe foster parents have a right to know of any problems or potential problems they may face with bringing a child into their home. 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. 2162, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Evans, Finnegan, Marumoto and Moses voting no, and with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1638-06) recommending that S.B. No. 2323, 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. 2323, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1639-06) recommending that S.B. No. 3011, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3011, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with some reservations on this measure. Thank you. The term, 'first consideration' is still not defined in either of the language of the bill, nor in current law. The lack of a definition I believe, may cause ambiguity as to how to implement this law. I believe that this may open up the State to lawsuits by the employees that are passed over for selection for open civil service positions. So I hope that during Conference Committee that somehow, the parties can come up with a real clear definition of what this 'first consideration' would mean. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Just very briefly, I want to say that the measure violates the merit principle, which we fought so hard to do here in the Legislature. We passed laws on that. We have waived the taking of examinations, so let's just give them the position because they're there. 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:

"I am rising in opposition to SB 3011, SD1, HD1, Mr. Speaker. I believe it is a way of rewarding mediocrity and making our civil service sub-par. The incentive to really excel in employment is diminished by the knowledge that you will be considered first if another position opens up. It is foolhardy to give a job to someone on the basis that they are already in the system, when there are those on the outside who are possibly more qualified and able. I am consoled by the fact that this bill violates the Merit Principle of the State Constitution and is unnecessary because of the internal

recruitment systems that are already in place. Thank you, Mr. Speaker."

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

"Brief comments in support, Mr. Speaker. At the time of the Civil Service Reform Act passage, there was commitment made by the Administration that they would work on rules to implement the Civil Service Reform, and ensure a policy that would remain in place. That is something that everyone uses, whether it's private sector or public sector, and it's looking within first to hire, and it is part of the policy of civil service.

"You want to develop a civil service group of professionals who feel that they should be trained and promoted where necessary. Under the passage of their reform bill, there was a commitment that they would implement these rules. It has never taken place. But we have determined through hearings that in fact DHRD has that policy in place at the current time, and they have to clarify it. They committed that they're going to be working on the policy, updating it, and making sure that you look within first before you look outside, and that if there is someone who applies for a job, and they're not going to be considered any further, then they be told upfront so they don't sit around for four or five or six months while they look outside.

"This is the first step in that direction. It's good policy, and it's something that we should support. 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. 3011, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1640-06) recommending that S.B. No. 2004, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2004, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, I'm rising in opposition to this measure. Thank you. Mr. Speaker, in the interest of time I would ask that the brief testimony from a Kaneohe resident in opposition to this measure be placed in to the Journal. The name of the individual is Lee Williams," and the Chair "so ordered."

Representative Thielen continued, stating:

"And he does speak Mr. Speaker, about how he's a third generation Kaneohe resident and how he and his family, as well as many other families on the Windward side have used this sandbar respectfully and for recreational purposes.

"He also speaks a bit about how this is really the only beach-going possibility for people on Kaneohe Bay because the Bay itself doesn't have beaches like Kailua beach has. He and large numbers of Windward residents who signed the petition against this measure, opposed this bill moving forward. Thank you."

Representative Thielen submitted the following testimony:

"TESTIMONY IN OPPOSITION OF SB 2004
BEFORE THE SENATE COMMITTEE ON

WATER, LAND AND AGRICULTURE

February, 27, 2006

2:45 p.m., Conference Room 212

Committee Chair Russell Kokubun, Vice-Chair Gary Hooser, and Members of the Senate Committee on Water, Land and Agriculture:

Good afternoon. My name is Lee Williams. I am a long-time Kaneohe Bay resident. My two children are third generation Kaneohe residents. Their grandparents have resided in Kaneohe since the 1960's. They are longtime members of Windward's fishing and boating community.

Currently, there is no Kaneohe beach area available for our Windward families to enjoy. Kaneohe Beach Park is a muddy mudflat and not a beach. Rarely, do Windward residents frequent Kaneohe Beach Park because it lacks a shoreline beach and blue shores as other beach park areas throughout this State. However, nestled within Kaneohe bay at low tide is one of Hawaii's hidden natural treasures, it is the Tahiti-like sandbar where Windward families, including my family, consistently enjoy, respect and love. Windward families sunbathe, relax barbeque, play volleyball and Frisbee, bring their pets, water ski and water skurf, and pull their keiki in inner tubes from the back of their boats, all at the Sand bar. It is the most perfect family spot in Kaneohe. Now, all of this is at risk because of this Bill.

Senate Bill 2004 was drafted to eliminate those rare occasions when there has been some misbehavior on the Sandbar.

Senate Bill 2004 is unnecessary to regulate certain activities on the Sand bar. The rational basis for this Bill is to curtail "drinking, littering, and fights." However, existing laws are already in place that regulate public drunkenness, drinking and boating, littering, public defecation and fighting, making this Bill totally redundant and unnecessary.

To reiterate Charles Memminger from his Star Bulletin column on February 9, 2006, "We can't stop rare incidents of bad behavior at island natural attractions simply by making them kapu or turning them into monuments."

"Kaneohe Bay is one of the few places where recreational boaters who do not want to risk the dangers of the open ocean, can cruise swim, picnic and spend the night on their boats in safety. You'd be hard-pressed to find a group of people who care more for the ocean, reefs and beaches than the recreational boaters, paddlers and fishing enthusiasts of Kaneohe Bay."

"Most regular users of Kaneohe Bay, including those who visit Ahu o Laka, see themselves as stewards of the bay and either report misuse to authorities or intervene personally to stop offending activity."

The Sandbar is Kaneohe's only traditional beach and the boating and fishing community respects its significance and beauty. To limit its use as a result of the lack of sanitation facilities, would be a grave governmental disservice to the Windward community, which is a beach going community that lacks a viable traditional beach park.

PLEASE DO NOT PASS SENATE BILL 2004. HUNDREDS OF WINDWARD RESIDENTS OPPOSE THIS BILL AS DEPICTED IN THE PETITION. IT IS IN THE BEST INTEREST OF THE PEOPLE TO TABLE THIS BILL AS UNNECESSARY AND REDUNDANT.

Respectfully submitted,

/s/Lee Williams
Lee Williams"

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

"Thank you, Mr. Speaker. I remain in opposition to this bill. While it has been changed somewhat from how it was originally introduced, the recreational boaters are still very concerned about the bill in its present form. This bill would create a monument, Ahu o Laka, out of the sandbar at Kaneohe Bay.

"The introducer of this bill in the Senate has also introduced a Resolution, and it's my hope that he would move that Resolution because there are many conflicting stories about the importance of that sandbar. It goes by a number of names with different significance.

"The Resolution that was introduced took that into account and it would have created a taskforce and had people come to the table to try to create some kind of agreement on what reason and why, and what name it should be, and that is why I hope that instrument would move forward. That's why I'm against moving this forward at this time.

"I think that if you're going to establish a monument, you have to be really clear about your intentions. I think most of us are familiar with *heiau* that are magnificent, like the Mookini Heiau. Iolani Palace is a monument. Mauna Ala in Nuuanu is a monument. If we were to make Ahu o Laka, which even the name, there is no agreement on the name. A monument. This would be very unusual. There is nothing there. It's underwater, in every 24-hour period.

"Sandbars by their very nature are moving and changing. Many people not aware of it, but during the second World War, the Navy dredged deepwater channels right down the middle of Kaneohe Bay, which changed the pattern of currents and helped to move away some of the sand that previously had stood higher.

"There also was a gentleman who owned Coconut Island, which is now owned by the State of Hawaii. And he sent people to take barges of sand and dredged, transfer it from the sandbar to Coconut Island. All this has changed the geology and the geography of the sandbar, so I would ask rather than we speed ahead with this, that those Representatives, especially those that represent Windward area, they should have heard from a number of their constituents to vote no on this bill at this time. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with a no. I heard this bill when it was in Water, Land, Ocean, and since then it absolutely amazes me how many friends, cousins, uncles ... I have even been *hamai*-ed by people that I thought I knew, and I didn't know they used this sandbar or this location.

"You have to remember, we are an island state, and we, I believe, we are all everything that we have is a monument. But we also have people that use the monument of their family gatherings, their togetherness, to join and enjoy each other at certain of these locations.

"This is one of them, and the calls and the pleas that I have received is, let's not proceed hastily with establishing this in such a manner that it becomes unusable or unattainable for people who use it for bonding, family bonding. So I ask that on this bill, we vote no. But those of you that are maybe not so sure about voting, that we encourage that the great, infamous hole of Conference Committee, that this somehow gets lost there. 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. 2004, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Finnegan, Harbin, Meyer, Moses and Thielen voting no, and with Representatives Stonebraker and Yamashita being excused.

At 11:41 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2347, SD 1	S.B. No. 2323, SD 2, HD 1
S.B. No. 2725, SD 2, HD 1	S.B. No. 3011, SD 1, HD 1
S.B. No. 2961, SD 1, HD 1	S.B. No. 2004, SD 1, HD 1
S.B. No. 2162, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1641-06) recommending that S.B. No. 3065, 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. 3065, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1642-06) recommending that S.B. No. 2036, 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. 2036, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1643-06) recommending that S.B. No. 2484, 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. 2484, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1644-06) recommending that S.B. No. 1648, 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. 1648, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1645-06) recommending that S.B. No. 2504, 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. 2504, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1646-06) recommending that S.B. No. 2630, 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. 2630, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

At 11:42 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3065, SD 1, HD 1	S.B. No. 1648, SD 1, HD 2
S.B. No. 2036, SD 1, HD 1	S.B. No. 2504, SD 2, HD 2
S.B. No. 2484, SD 1, HD 1	S.B. No. 2630, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1647-06) recommending that S.B. No. 2727, 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. 2727, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations. Thank you, Mr. Speaker. This measure is for neurotrauma, where it says, Relating to Neurotrauma. And its talking about the Neurotrauma Special Fund and from what I understand the Neurotrauma Special Fund only gets about \$400,000 a year into it. And what the measure says is it's going to be used in part for direct services that assist individuals in neurotrauma injuries. It doesn't really explain what those direct services might be, and I'm concerned that the measure again relies on this special fund, which is only \$400,000 per year funding source. Maybe we need to get some federal match also, but that still doesn't seem like a lot of money. Just want to point that out. 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. 2727, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1648-06) recommending that S.B. No. 3270, 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. 3270, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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. 3270, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Meyer voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1649-06) recommending that S.B. No. 2076, 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. 2076, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support with reservations. Mr. Speaker, my reservations pertain to the issue that this essentially exempts the capital gains for people selling their property. I understand the predicament that the lessors and the lessees are in, trying to encourage the landowner to sell their fee.

"My concern again, is with the tax exemption, especially since my understanding of this bill is this generally not for residential property, but investment property. 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. 2076, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1650-06) recommending that S.B. No. 3215, 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. 3215, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1651-06) recommending that S.B. No. 2959, SD 3, 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. 2959, SD 3, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising with reservations. While establishing a rapid response development and training program to facilitate these displaced workers' return to the labor market is a worthwhile investment, the bill comes severely flawed, and that is the program should be established within the Department of Labor rather than the Community College system, as the Department is a more appropriate facility for training those who are currently unemployable. The Community College system should not be shouldering the responsibility of securing transportation and childcare services for program participants.

"To saddle the Community Colleges with the burden of providing these costly service exceeds the outer bounds of reason, fairness, and cost efficiency. I urge my colleagues to look at this measure and try to figure out why we are putting all these programs and these buildings on the Community Colleges, which are there to teach, rather than relying on the Department of Labor to do their job as it is already mandated. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. And the reservations that I have Mr. Speaker, have to do with basically federal funds needing to go through the DLIR, and not being able to go through the Community Colleges. I'm not exactly sure how that works, but that would cause me to have some reservations. Thank you."

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

"Mr. Speaker, I'm in opposition to this bill. As originally introduced, it took all the programs out of the Department of Labor and move them into the Community Colleges. The Department uses

special funds for these retraining programs. It's not clear that this money could be used at the Community College level.

"This bill talks about a rapid response development and training program. We have the lowest unemployment in the nation. It's sort of perplexing to me that we have this great move to get people retrained and moving. We have industries that we've identified like the construction industry, that we need to train people in a fast way. And there are other bills that are handling that, so I'm a little confused on why we are transferring programs that have been in the Department of Labor over to the Community Colleges."

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

"Mr. Speaker, I rise in support. Very briefly, I'd just like to state that there are two main reasons why we need to do this. One is that the Community Colleges are integrated throughout our State and actually a part of our community. Unfortunately, the Department of Labor is an isolated office that cannot and does not have the outreach that the Community Colleges do.

"And why this is so important is that when you look at the studies that are being conducted by the Department of Business and Economic Development, what they estimate is through the year 2012, they estimate that there is actually going to be a huge shortage of workers in our labor marketplace because what we have is the baby-boomers retiring. So they estimate there are about 21,000 jobs that will be available every year through the retirement system, as well as new businesses opening up. But there are only about 9,000 people that are going to be entering the labor market through graduation.

"That leaves us with an estimated 12,000 jobs that we don't know how this need is going to be met. That's why it's so important for there to be training, so people can fulfill these jobs, and so that we can bring new people into the marketplace. Because without that, and with, as the Minority Floor Leader said, unemployment at the lowest rate, where everybody who can work pretty much, is working. Where are we going to get these people? We need to have a responsive plan that will address this, because this workplace shortage will be hitting us very soon, and we need to have a plan. Thank you."

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

"A couple more brief comments in support, Mr. Speaker, talking about why we need a rapid response team approach here. You look at what's happening at the Nanihoa Hotel in Hilo, or Del Monte out in the Ewa Plain, and you're talking about workers that do need to be retrained to be integrated into the workforce.

"We're talking about hotel workers in Hilo who don't have a lot of other choices to work in resorts other than driving for two hours to Kona. If they're going to have gainful employment, the rapid response team will help them through the Community College in Hilo, and help them train to find other jobs.

"The Del Monte workers. These are hard-working people that do an excellent job in the agricultural field. There is not a growth in these jobs on Oahu. There may be a demand over in Kapalua in Maui or something, but if they're going to have gainful employment, they need help.

"So even though we're at very low unemployment, there are pockets throughout our State that do suffer the impacts when industries are shut down, or a certain business is sold. This would help address that problem.

"In addition Mr. Speaker, as stated by the Majority Floor Leader, it's best done through the Community College. The Department of Labor could not do this type of training. It's basically working with

kids coming out of high school, getting them to understand basic things like math and reading, so they can get into programs where they won't drop out, so that they will go on to high-paying jobs, pay their taxes, educate their kids, and help the economy overall.

"So I'm kind of surprised that there would be any opposition or any with reservations votes. In fact, Mr. Speaker, this is an investment. This is a commitment to our future, to all of our futures. And I think everyone would want to get behind this kind of legislation. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. One of the speakers previously said that we would be saddling the Community College with this obligation. The University of Hawaii and the Community College asked us to help in this. They asked us to fund this, and we're responding to their request. It was approved by the Board of Regents, and I was happy to support this because it will provide better paying jobs. It will allow people to better their quality of life, and any measure that does that, I'd be happy to support. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I'm remaining with reservations. I just want to point out that the measure also requires things such as transportation and babysitting. I just don't think those are things that the Community College should be saddled with. I understand the Department of Labor can help in those matters, but not the Community Colleges.

"They're there to produce classrooms and teachers and instructors to train people for those new fields that they're trying to go into, or give them basic job skills if they came out of other jobs where they didn't need those skills. But not to babysit, and not to provide transportation and get them to the school. There are other methods and there's other things in place already to do that. Thank you."

Representative Waters rose to respond, stating:

"Thank you, Mr. Speaker. The bill on page 5 says, 'Priority will be given to growth industries including, but not limited to, electronics, software, instrumentation, biotechnology, renewable energy, telecommunications, computers, mariculture, aquaculture, tropical agriculture, Hawaiian natural products, and space applications including astronomical research.' Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I'm rising for the second time. There's one problem you could run into by having these retraining programs at the Community College. I'm thinking of some of the employees at Naniloa. If they have not graduated from high school, they would not be able to go to the Community College until they get their GED. Whereas, if they were going to go to a training program put on by the Department of Labor, that would not be a requirement."

Representative Meyer later rose stating:

"Thank you, Mr. Speaker. I wanted to change my vote on Stand. Com. Report 1651 from a no vote, to support with reservations."

The Chair responded, stating:

"Okay, you'll be able to do during our roll call."

Representative Meyer: "Well I wanted to get ahead of the roll call vote because we were moving along so quickly."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2959, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed

Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1652-06) recommending that S.B. No. 3035, 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. 3035, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I am voting with a no. It's very hard to stand and speak against an injured worker, especially an injured worker that is injured through no fault of their own. In fact I now have a stepson that is an injured worker, and it's very difficult for me to help him through the system knowing that there are so many pitfalls and stumbles that make it so difficult for our employees to make it through the system.

"However, what this bill attempts to do, is to, I think, create a very bad situation and make it even worse. We already have the highest, most expensive workers' comp system in the nation, and it continues to be broken. The problem that I have with my stepson is that when he moved to one of the Neighbor Islands, he was unable to find a work comp physician to pick up his case. So after three months of knocking on doors, he's unable to get a physician, and he got an automatic termination because after three months without a physician working on you, you're terminated.

"So I was able to intercede and get him to a physician so that we were able to get the physician's report and he came back on with his TTD benefits. But to codify this as a right so that an employee then is more encouraged to just sit back and not do anything until the system, which as we all know is broken, could take six months to get him to a hearing to say, 'Oh yes, you are not entitled to those rights.' Off he goes and who is left holding the bag of that six months of waiting? It would be the employer.

"Their experience rating will go up even though it was no fault of their own. Their premiums will go up even though it was no fault of their own. It is our fault. It is our fault because we continue to pressure a system that is broken. And I know it's like rubbing salt in the wound, but I think we could have made a very small step to perhaps maybe resolving this type of an issue last Session when we unilaterally just brushed aside these guidelines that we were talking about, that we had public hearings on, because that could have taken care of this problem because that employee then would have continual care under the guidelines.

"So as it is right now, we cannot support this. I cannot support this bill. And when I asked the question of what if this employee if found to not be covered under this temporary disability, well what happens? Oh well, we'll just see if the employee can pay it back. C'mon. We have to get real. That's not going to happen. And why would we want to pressure someone with this type of pressure? An individual who the system couldn't help?

"They were saying, someone said to me, I think it was our Chair of Labor, 'Well, we'll just figure out some way to get credit back to the businesses.' It is not the way to deal with this. The way to deal with this is to fix this problem. Not continue to make it more expensive and more difficult to do business in the State of Hawaii, which all those technology companies that we're encouraging to open up businesses in Hawaii, you too are going to fall into this trap. You too are going to be priced right out of the market because of these types of craziness. 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:

"I am strongly opposed to this bill, Mr. Speaker, not only because there is no need for it as the current system does not appear to be broken, but also because of the incredible cost that will be incurred if this bill passes. There are no safeguards to prevent this new system from being abused. How do we know our insurance companies will not be paying for a previously injured worker to take a few more days off to go to the beach? Or visit relatives? Or merely stay home and do nothing as the money continues to come in? If passed, this bill will increase the cost of workers' compensation insurance. The cost is already prohibitive and businesses keep asking the Legislature to reform workers' compensation laws to bring down the cost. Instead we are entertaining bills that go the other way. Everyone will end up paying for the cost of those who stay home from work, legitimately or not, because businesses will have to raise their prices to cover the added costs. 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:

"Thank you, Mr. Speaker. I stand in opposition of this bill. This proposed bill though well intended adds considerable cost to the workers' compensation system, creates a disincentive for an employee to return to work, and removes disability determination out of the hands of the healthcare profession where it rightly belongs.

"This measure will also prevent an employer from asking for termination of TTD benefits. Additionally, this situation is already addressed by current law, which enables an employee to continue to receive TTD benefits if there is no work to which the employee can return. To be clear and consistent, this bill should include language that makes it clear that continued TTD benefits will be available only if the injured employee's inability to return to work is due to the decision of his or her employer. Otherwise, the bill will not only increase the cost of providing workers' compensation benefits, but it may encourage employees to stay out of work until TTD benefits are terminated."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3035, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1653-06) recommending that S.B. No. 1593, 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. 1593, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in very strong support with brief comments. Mr. Speaker, this bill would ensure the retention of affordable housing so sorely needed in our State. The units might otherwise be sold, and our leadership needs to be complemented for this stroke of brilliance in the establishment of community development district. Thank you."

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

"Mr. Speaker, thank you. I will be voting no on this measure for many, many reasons. First of all, we have spent this entire Session scolding, threatening, asking for changes in the HCDA. To now take the HCDA and throw another district at them and say, 'Here, go fix this.' I do not believe is the right thing to do.

"First of all, the HCDA is not an affordable housing building organization. The HCDA is in fact a redevelopment agency. To take them now and put them into the Kalihi, Liliha-Palama district and say to go fix this affordable housing is not what we should be doing. That's my first piece of my no vote. I have two more.

"My second piece of my no vote is the way this whole process was done. This bill came over as a Senate Bill, and what that Senate Bill did was it allowed counties to recommend rural district amendments and to form an advisory group to redefine rural districts. And we, in our infamous wisdom, took that bill and did our infamous 'gut and replace.'"

The Chair addressed Representative Harbin, stating:

"Representative, let's focus on ..."

Representative Harbin: "I'm sorry. I am speaking to the bill. The bill as it stands is an illegal measure."

Vice Speaker Takai: "You need to speak on the bill as currently in front of us. That is House Draft 2."

Representative Harbin: "That is exactly what I'm speaking to, Mr. Speaker. Mr. Speaker, this bill has not reached its constitutional test of a bill. It fails under Section 402 of *Mason's Rules* because it is not germane to the original subject matter, which is exactly what it is that I'm trying to share with my fellow Members. It is not germane."

Vice Speaker Takai: "Representative, I'd like you to stick to House Draft 2. Thank you."

Representative Harbin: "Thank you. I will now go to my third reason for voting no. In *Taomae v. Lingle*, in the Hawaii Supreme Court Decision, it says ..."

Vice Speaker Takai: "Representative, you brought this up for a previous measure."

Representative Harbin: "And I'm going to bring it up again because we need to, we need to realize that it is the process that is going to get us into trouble with what could be very, very necessary amendments from this House because of the fact that we are not following our own constitutional amendment. It says in Article III, Section 14, that no law shall be passed by bill and it shall not become law unless it passes three readings in each House on separate days."

Vice Speaker Takai: "Representative, I'm going to call you out of order at this point."

Representative Harbin: "Mr. Speaker, this bill will not do what it is intended. HCDA is an economic development agency. Within their rules there are provisions for certain portions of affordable housing when there is an affordable housing measure.

"When I went to the hearing, I was handed this document that gave me a factsheet on Kukui Gardens. This is what we were voting on, without any pre-information. And what is the Kukui Gardens? 22 parcels of lands. A number of residents estimated 2,500. Many immigrants from China and Korea. Rents, \$444 for 1 bedroom; \$818 for a 4-bedroom unit.

"Mr. Speaker, affordable housing right now, it's our people that are in crises. All of our people. We have people that are on the streets that could not even get into this Kukui Gardens. We need to look at what we are doing. We need to not give false hope to these 2,500 people of which 15 were brought down here to testify, pleading for

their homes. This was not a fair bill. This is not a legal bill. And there's got to be a better way to do this, but this is not the right way. Thank you."

At 12:02 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 12:05 o'clock p.m.

Representative Arakaki rose in support of the measure, stating:

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

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

"Thank you, Mr. Speaker. I also stand in support and request to submit written comments. And just to comment that this gives us a chance to have some discussion, some alternatives and choices. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I support this measure which would as stated in section 1: Require the office of planning to work with the counties to recommend rural district amendments, convene an advisory group for redefining rural districts, allow counties one opportunity to reclassify areas of land into rural land use districts, appropriate money to accomplish the purposes of this act.

"It is our duty to preserve the unique qualities our historic communities offer. We, as State must cherish and preserve our archaeological, cultural, and historic identity, while allowing for revitalization of our community's needs and input.

"It creates the Liliha-Palama community development district within the administration of the Hawaii Community Development Authority. While there may be concerns about the HCDA, in the best interest of our community, we must keep our options open for our community's benefit, while we seek the community's input."

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

"Thank you, Mr. Speaker. I'm rising in opposition. I think the comments made by the Representative from Downtown Honolulu, that the process was very, very unusual, and the bill that has come out, having HCDA in charge of redoing Liliha-Palama. It is amazing because we have seem to have such a schizophrenic relationship with HCDA. It's almost laughable that we would now say, 'You've done such a great job, we want to hand over to you Liliha-Palama.' I think this bill has a long way to go and I can't support it."

Representative Kanoho rose to respond, stating:

"Thank you, Mr. Speaker. Just for the clarification, the HCDA in the administration of its duties and in exercising of its power is responsible for 40% affordable units in the Kakaako district. Thank you."

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

"Mr. Speaker, I'm rising in support of the measure, but I do have some considerations. Yes, reservations. Thank you. Mr. Speaker, this schizophrenic attitude toward HCDA, I think is a apt way to describe this. In certain measures, we're really gutting their authority, saying they have to come and ask us for permission to do everything.

"I think there's a better way to preserve the Kukui Gardens as low rental or affordable, actually low rental housing. I think that's a very

noble cause, but it actually will take money. We can't say that we're going to take those and keep them in low income housing unless we put funds forward to do it.

"I think this HCDA thing really complicates the issue and we can't say to them on one hand, now you're going to be in total control, but over here in Kakaako, we're carving out areas where we're saying the City is going to take it over from you, and with what you have left to do, you have to come to us to ask permission for everything.

"So I think this is not well thought out. There's still a little bit of time to improve things and I think we need to focus on what we want to do and that is to preserve the housing so those people aren't added to the list of those who don't have a roof over their heads. Thank you."

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

"Thank you, Mr. Speaker. Very briefly, in opposition. Thank you. In the Finance Committee, we didn't hear any testimony from the City and County. Nor did we hear very much from the public, from the Liliha-Palama area. And the public that did testify, they were more from the Kakaako side and I believe that they were reacting to what's going on in Kakaako. So I'm in opposition to this bill, but only because I believe that it needs a little more public input because an area is carved out and turned into another development district. Thank you, Mr. Speaker.

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

"Thank you. Just very briefly, I'm rising in opposition. It's been mentioned before. I just want to make it clear to this Body. In the Kakaako measure we took a portion of the HCDA development away and we're saying, 'Let's give it to the City.' The City didn't want it, and I can understand why, because you know that's just more expense. But here, we're going to take a piece of the City and give it to HCDA, and I'm sure the City will be very happy. But isn't it ironic? Taking it away in one place and giving it in another place. Either we trust HCDA or we don't. Please, let's get it straight."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1593, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Finnegan, Harbin, Meyer, Moses and Stevens voting no, and Representative Stonebraker being excused.

At 12:13 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2727, SD 1, HD 2	S.B. No. 2959, SD 3, HD 1
S.B. No. 3270, SD 2, HD 1	S.B. No. 3035, SD 1, HD 1
S.B. No. 2076, SD 2, HD 2	S.B. No. 1593, SD 2, HD 2
S.B. No. 3215, SD 1, HD 2	

At this time, the Chair stated:

"Before moving on, I'd just like to encourage Members to give our Majority Floor Leader and Minority Floor Leader your pink slips and green slips so we can avoid this situation in the future."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1654-06) recommending that S.B. No. 475, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 475, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Shimabukuro's written remarks are as follows:

"I, along with a consortium of social service providers known as the Welfare and Employment Rights Coalition (WERC), strongly support this Women's Caucus measure and have urged its passage for the past several years.

"Simply put, welfare recipients have not received an adjustment to their assistance amount since 1993. This bill would finally correct this injustice, and raise the Standard of Need to the current Federal Poverty Level.

"At long last, this year the Department of Human Services joined the call to finally increase the Standard of Need, and supported this measure. According to DHS' cost analysis submitted to the Finance Committee, the cost of this measure is a mere \$5 to \$13 million in general funds per year. The variation in cost is due to the bill's granting of latitude to DHS in adjusting the percentage, from 50 to 62.5 percent, of the Federal Poverty Level, in determining the assistance amount.

"Please note that DHS, the Attorney General, and social service providers collaborated on a proposed House Draft 2 of the measure. These groups obtained the House Human Services Committee Chair's prior concurrence to this proposed House Draft 2, and the Committee Report notes that the draft is "worthy of examination and consideration as this measure progresses through the legislative process."

The proposed House Draft 2 does the following:

- 1) Calculates the standard of assistance at 62.5% of the current Federal Poverty Level;
- 2) Includes General Assistance and the Aged, Blind, and Disabled payments;
- 3) Increases DHS' Fiscal Year 2007 budget by \$27 million (\$14.3 million in Federal funds, and \$12.9 million in General Funds); and
- 4) Most importantly, will increase payments to indigent families, the elderly, and disabled by approximately \$200 per month

"Please note that for Fiscal Year 2008, DHS is estimating a cost savings of \$8.6 million under the Proposed House Draft 2.

"One final very important note is that this bill will provide much needed relief to elderly and disabled Medicaid recipients on the "Cost Share" or "Spend Down" program, by decreasing their monthly co-payment by up to \$200 per month.

"I urge my colleagues to support this long awaited measure."

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 rise in strong support of SB 475. This bill's purpose is to find ways to improve public assistance recipients with adequate income. We cannot continue to ignore the economic reality and needs of these impoverished families and that's what we do when we base the assistance on 1993 poverty levels.

"We know that even individuals that have a regular income struggle with everyday costs of living in Hawaii. We should not keep the current system's amount of cash assistance because it is an

unrealistic amount. The current amount of cash assistance is insubstantial to maintain rent in this State, much less food, water, clothing and school supplies. This bill would change the basis of the calculation to a more current level.

"We need to help the families of Hawaii who are struggling with the standards of living and help minimize the many negative effects of poverty. Let's keep our Legislature honorable and raise the standard of need for households, particularly for the sake and well being of Hawaii's children.

"By increasing the level and other measures, like DHS's First-to-Work Program, we can give people a hand up instead of a hand 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. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1655-06) recommending that S.B. No. 2357, 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. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1656-06) recommending that S.B. No. 2719, 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. 2719, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1657-06) recommending that S.B. No. 743, 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. 743, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1658-06) recommending that S.B. No. 2957, 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. 2957, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1659-06) recommending that S.B. No. 2021, 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. 2021, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION

HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1660-06) recommending that S.B. No. 2502, 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. 2502, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 12:15 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 475, SD 2, HD 1	S.B. No. 2957, SD 2, HD 2
S.B. No. 2357, HD 1	S.B. No. 2021, SD 2, HD 2
S.B. No. 2719, SD 2, HD 1	S.B. No. 2502, SD 2, HD 1
S.B. No. 743, SD 2, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1661-06) recommending that S.B. No. 2339, 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. 2339, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1662-06) recommending that S.B. No. 218, SD 4, 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. 218, SD 4, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1663-06) recommending that S.B. No. 3181, 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. 3181, SD 2, 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. This is another tax increase and I'm voting no. Thank you. This is going to hit the poor and larger families the most. This is increasing the bottle bill container size to 68 ounces. It's also going to increase, we're going to have an increase of a half a cent on this deposit fee, if you call it that. It's a tax.

"I know half a cent, because the number of the returned containers is so high, so we're going to be paying 6 and a half cents for each 5 cents we get back. And as I said with the larger size containers, which is what you buy in the 'big box' stores, you're going to hit the poor and larger families the most. Those who are in the most need of tax relief, we're going to tax the most. 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:

"Mr. Speaker, I rise in support of Senate Bill 3181, SD2, HD1, with reservations. While I do support Hawaii's beverage container recycling program, there are serious flaws within SB3181 that need to be addressed.

"When the original bottle bill was passed in 2002, a one cent deposit beverage container fee was put in place so long as the number of bottles redeemed stayed under 70 per cent. As the current percentage of recycled bottles hovers near that mark, passage of SB3181 will push the percentage of recycled bottles beyond 70 per cent. Currently, Hawaii's consumers are paying five refundable cents plus the one non-refundable cent per beverage container. Passage of SB3181 will increase the nonrefundable deposit beverage container fee. Although it is environmentally friendly to recycle more beverage containers, the administrative fee that is already being shouldered by Hawaii's consumers will have to be increased to support the increased recycling infrastructure.

"In addition, SB3181 places an undue burden on beverage container vendors, by mandating that vendors not within two miles of an independent redemption center operate a redemption center of their own for at least 30 hours per week.

"Although Hawaii's beverage container recycling program is important in protecting our State's environment, Senate Bill 3181, SD2, HD1 has a number of flaws that must be resolved before becoming law. 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:

"Thank you, Mr. Speaker. I stand in support with reservations. We must make sure that any amendments to our bottle bill will streamline the redemption process and provide residents with convenient recycling where they shop, when they shop.

"This measure increases the volume limit of beverages from 64 to 68 fluid ounces, and may help the redemption process. However, we must be careful not to adversely affect the ability to service customers promptly. Restrictions such as the mandate require to hand count containers may penalize hard-working business owners."

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

Representative Stevens 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. 3181, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 39 ayes to 11 noes, with Representatives Chang, Finnegan, Ito, Kawakami, Marumoto, Meyer, Moses, Nakasone, Pine, Souki and Yamane voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1664-06) recommending that S.B. No. 2926, 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. 2926, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third

Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1665-06) recommending that S.B. No. 2486, 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. 2486, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1666-06) recommending that S.B. No. 2545, 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. 2545, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure, stating:

"Mr. Speaker, I rise in 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. 2545, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1667-06) recommending that S.B. No. 2897, 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. 2897, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 12:18 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2339, SD 2, HD 1	S.B. No. 2486, SD 2, HD 1
S.B. No. 218, SD 4, HD 1	S.B. No. 2545, SD 2, HD 2
S.B. No. 3181, SD 2, HD 2	S.B. No. 2897, SD 2, HD 3
S.B. No. 2926, SD 1, HD 2	

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 12:18 o'clock p.m.

At this time, the Chair announced:

"Members, at this time we're going to take a lunch break and reconvene at 1:30. Lunch for the Members is available on the Majority Caucus Room side of the House."

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:56 o'clock p.m. with the Speaker presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1672-06) recommending that S.B. No. 3283, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that notwithstanding the report of the Committee, that S.B. No. 3283, SD 1, HD 2, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

At 1:57 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:59 o'clock p.m.

The motion was put to vote by the Chair and carried, and S.B. No. 3283, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was recommitted to the Committee on Finance, with Representatives Berg and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1668-06) recommending that S.B. No. 3273, 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. 3273, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1669-06) recommending that S.B. No. 2133, 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. 2133, SD 2, 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, I rise in opposition of Standing Committee Report 1669 and the underlying bill. Mr. Speaker, this bill is premature. There's a taskforce meeting regularly that is dealing with Universal Healthcare, and the taskforce will have its recommendation when it reports in June of this year.

"I also oppose this bill because Universal Healthcare, simply doesn't work. Here are some examples. Canada has a national doctor shortage. In Ontario, there are 1.4 million people without the services of a family doctor and the reduced availability of many desirable drugs has lead many Canadians to head to the United States to buy drugs that they can't get at home.

"Canada, the country where a dog can get hip replacement in under a week, but humans must sometimes wait for two to three years. Its publicly financed health insurance system is gradually breaking down. Private clinics are opening around the country by an estimated one per week. Some cancer patients are waiting months for diagnostic tests and treatment. The average wait times between referral by a family doctor and treatment range from five and a half weeks for oncology, to 40 weeks for orthopedic surgery.

"In 1998 there were more than 1.3 million British patients on waiting list for medical care. There are cases of people waiting four months to receive an operation for colon cancer, and in some cases, drugs may be cheaper under universal healthcare, but when a government buys drugs, it must also ration them. With no private sector alternatives, there is no private sector alternatives, patients have no choice, but to accept what their government, not what their doctors decide is best.

"History has shown that any single-payer initiative requires much more money than advocates claim. This will lead to higher taxes and the rationing of healthcare with the government determining which medical treatments that will or will not be covered. Almost every European country with a national healthcare system has introduced market-oriented reforms and turned to the private sector to reduce the cost of care and availability and effectiveness of treatments. For example, Finland in 1991 encouraged competition among providers, called for improving accounting systems and allow patients greater choice in selecting providers. Results were felt almost immediately. Hospital productivity rose by an average of 16% between 1991 and 1993. New market and product procurement cut cost anywhere from 10% for any amount of services, to 40% for medical laboratories and radiography.

"I'm mostly disappointed that this bill was gutted from its original version, and versions from three separate bills were combined into this bill. I want to make sure that the public knows I'm not opposed to a suicide prevention program, or keeping our mothers safe from mercury containing vaccines, but I cannot vote for a bill that promoted Universal Healthcare because it is not effective for the people of Hawaii, and I don't want anybody to wait four months for a surgery for something as life threatening as cancer, which has occurred in countries where Universal Healthcare exists."

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

"Thank you, Mr. Speaker. I will be voting no for this measure for I believe, three reasons. One, this particular bill is very contrary to Section 402 where the amendments must be germane to the original bill, which came over from the Senate. Just so that the public is aware, the original bill was a very important bill, that provided that placenta must be released by a hospital to the women from which it originated. And we, in the House have gutted it and replaced it with three separate issues, three of which have absolutely no common denominators.

"I believe this bill is contrary to our Hawaii State Constitution in that it cannot pass constitutional muster because of the fact that these particular measures have not been heard by the Senate, therefore I will be voting no. Thank you."

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

"I rise in opposition. I just wanted to point out to the Members that I'm very pleased to see that when we vote on resolutions later in the agenda, that we do have one requesting the Department of Health to establish and operate a statewide suicide early intervention and prevention program, and so I'm really pleased. I'd like to see us move that forward. I too was a little concerned about putting three different ideas in one bill.

"And regarding the Hawaii Health Authority, that would have been more palatable to me if it had really expanded it to looking at the Certificate of Need, and maybe removing the Certificate of Need to promote better healthcare in Hawaii.

"Also looking at what happened in Massachusetts this last week, to where that State is now mandating everyone, everyone has health insurance. And the State will subsidize those that can't afford it and that is their way to try to get Universal Healthcare, so I know it's a problem. I know we need to address it, but this was too narrow so I'm voting no. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Moses and Evans 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:

"Thank you, Mr. Speaker. In support. Colleagues, I'm not asking you to support this bill today. I am supporting it, and this is why. This bill creates a Hawaii Health Authority, the piece I'm talking about. Right now, you need to know that there's a war going on. It's a war in the United States between people who have insurance and the ability to get it.

"Every year things get worse in the United States, every single year. Millions, and millions, and millions of people become uninsured in America to the point where it's 45 million people in our country. A country where freedom is important, and where we believe we have three of the most important ideas to export to the rest of the world. Meanwhile we're failing our people, particularly people without means.

"The reason it's important to create a Hawaii Health Authority or to have the taskforce this past year, or to have new proposals coming forward into the future, is because we really have to be ready for change. In Hawaii, things are pretty extraordinary. Uninsured rates are somewhere between 9% and 12%. We're going to insure every kid. We have a lot of things going for us. The Prepaid Healthcare Act gives us a lot of protection, but what happens when our population has more uninsured? When it goes from 10%, 120,000 people, to 15%, or 20%, and we didn't have plans in place to deal with it.

"We're doing a lot of great things. We're doing a good job with health centers which deal with this issue, the uninsured. We're doing a very good job with our safety net. But hyperbole the likes of which I've heard before, saying that we're going to become Canada, and we're going to replace the hips of dogs before people, doesn't help matters. Forgive me for being so direct, but we're talking about human lives and care, so we have to have plans.

"That's why I started and I'll finish with this point. You don't have to support Hawaii Health Authority. You don't even have to support Universal Healthcare, but what you do have to support is solutions. So if we vote down solution after solution, if we don't let certain plans like ... And unfortunately, it's okay. We don't do the map maybe, the workforce map for healthcare. There are a lot of things that we don't have to do today. But please don't come back to the people when things are worse when people are sicker and take credit for doing good things on healthcare.

"We have to rise to the occasion and in Hawaii, we have an opportunity to really show the rest of the country that we can do it. Because our predecessors did great things with the Prepaid Healthcare Act and built these health centers and have some good hospitals for us, we can achieve great things in healthcare. But we also could fail and go the way of the mainland and watch our uninsured rates rise higher and higher. So please, in these coming months and years, be very focused on our ability to take care of people, and let's not get into hyperbolic rhetoric about other systems. We in Hawaii can lead the way. Thank you colleagues."

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

"Thank you, Mr. Speaker. In strong support. I'm going to be a little stronger, emphasizing how important this measure is. First of all, the original bill is still alive in the form of the House Bill which is going to come back for Conference. But it's really important that we consider this measure whether we adopt it in the end or not. We need to have this discussion.

"And I would have to say, as policymakers, we need to be a little more visionary. We need to stop putting our heads in the sand. Just look at what's happening here in Hawaii. The cost of healthcare is going up. The cost of reimbursements are going down. Our elderly population is increasing all the time. And with the chance of more federal assistance coming to Hawaii, or to any other state, it lessens with every year.

"We're heading for that perfect storm, and if we don't do anything to prepare or to address these issues, then who do we have to blame? Or are we just going to throw our hands up and say, 'Well, what can we do about it? It's just like the weather.' Well with healthcare, we can do something about it because the data shows, the preliminary report from Lewin shows, that we spend more than enough to care for every citizen, to provide for quality healthcare to every citizen in this State. But it's a matter of putting together resources. It's a matter of people sacrificing. Not just people, but programs and agencies.

"Everybody has to give up a little bit to make this thing work, and that's what the Health Authority is for. It's not for us to figure out what kind of system we want. We're asking the Authority, we're giving them the responsibility to figure out, according to what's already reported and what is going to be reported through the research, because there is a potential, Mr. Speaker, of saving over \$700 million according to the preliminary report, if we adopt, for example, expansion of our EUTF Health Benefit program.

"The potential is there. And of course like I said, some people are going to have to give up a piece of their pie perhaps, to make it work. But it can work, and I believe Hawaii is a perfect place to make it work, because as the Vice Chair mentioned, we have all these things in place already.

"So Mr. Speaker, I hope we can be bold. I hope we can be visionary. And I hope we can set an example for the rest of the country on what a healthcare system should be like if we're going to meet the healthcare needs of our citizens. 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 bill. As the speaker from Downtown Honolulu said, this bill as its been amended, has three very separate and distinct parts to it. The part on setting up a way to be vigilant for teenage ... I can't think of the word right now. Suicides. I think has real merit.

"I don't see why we're rushing in to creating this Authority. There is a taskforce that's been meeting regularly, dealing with Universal Healthcare and the taskforce is yet to come out with its final report. That would come out June of this year. Then with the contents of that report, then I think we should start deciding what the next move is. Instead we're doing this with the cart before the horse. We're moving this ahead without the benefit of that report.

"Another part of this bill with a mercury substance that's used as a preservative in vaccines, and pretty much wanting pharmaceuticals not to use this substance anymore. It's used routinely in multi-doses of vaccines. We have another bill before us today that will be appropriating millions of dollars to the Department of Health so that we can stockpile vaccines for maybe perhaps, the avian flu. We know that this mercury substance works. We don't have another product that works like it does, and this bill would work against that. So for those reason, I'm voting no on this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2133, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Evans, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1670-06) recommending that S.B. No. 2364, 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. 2364, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

At 2:20 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 2:23 o'clock p.m.

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

"Mr. Speaker. We have moved along so quickly, we passed over a bill that I wanted to just make a few brief remarks on. Thank you very much. This is Stand. Comm. Report 1670. This is a bill relating to alcohol and substance abuse.

"This is, I think a very good bill. It will help in our fight over our serious drug abuse problems. Has two parts actually. The bill will establish an affirmative requirement that all health insurers provide coverage for an insured's injury that results from the insured's intoxication or being under the influence of any narcotic. Under current Hawaii law, healthcare providers are hesitant to link alcohol or substance abuse to an injury for fear of non-reimbursement of services rendered. The change in the bill will eliminate that fear and hesitancy.

"The second part of the bill is really the important part. It will create a pilot program to be conducted in hospital emergency rooms. Everyday our emergency medical doctors and nurses see people who are addicted to alcohol and narcotic type drugs, such as ice or cocaine, come in with injuries. This new program would have somebody in the emergency room who is being treated for an injury, who will after the person has received the medical care he needs, will sit down with the person who is obviously either on drugs, on alcohol, or has serious problems with drugs, and conduct a briefing to ask them about their situation. And for many persons, this is perhaps the first time a trained, interested person has inquired as to their problems. Do they have a problem with alcohol? Do they think they have a problem? Are they addicted to some kind of a drug?

"This trained person will also suggest intervention like a referral or recommend treatment. This program is known as SBRT and capitalizes on what trained people call a 'teachable moment,' a time of vulnerability, when an addicted individual would be more open to intervention and dialogue.

"Programs like this have been going on in San Diego for about 10 years with very good results, and I think this is something that is going to make a difference in our communities. Thank you, Mr. Speaker."

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:

"Thank you, Mr. Speaker. I strongly support this bill, as it will allow individuals in Hawaii access to needed medical services, regardless of intoxication from alcohol or narcotics.

"This measure will prohibit medical health insurers from excluding coverage from injuries sustained by insured persons as a result of intoxication from alcohol and narcotics, and appropriates funds to establish a screening, briefing, intervention, referral, and treatment pilot program at the locations in the State of Hawaii. This is a tool in the important fight against drugs and crime."

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

"I rise in support with reservations. Regarding the program they call SBRT, and intervention in an emergency room. I have some real strong concerns about money being spent on this. I really believe that when people have problems with substance abuse or with drinking that, when they ask for help, I believe it's there. And if someone goes into an emergency room and it's because of an accident and they have a high alcohol blood level in their blood, then I'm assuming by this bill that the medical doctors there will then reveal this information to someone who is ... what? Sitting around 24 hours a day just waiting for someone to come in? What are we going to do with these people in the meantime?"

"So here you have the program, or you have a psychologist, a social worker. We're not sure who it's going to be. Sitting around, waiting for this 'teachable moment', and then a person who comes in, their blood's been tested, now someone walks up to them and say, 'Guess what? That person is legally drunk,' or 'They're on substance abuse.' So now you go and intervene, even though the person hasn't asked for it. You're going to go and intervene and make a difference.

"And I believe we should be spending our money on the kids in the middle school that have substance abuse and alcohol abuse, and maybe even smoking cigarettes problems. I do not think this is a good use of money. I said it in the Finance Committee. I do not think we should be promoting this at this time. I do believe that there are doctors, there are pastors, there are all kinds of wonderful people that are in hospitals that can give them access to people that are going to help them if they decide that they, their life is unmanageable. Thank you."

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This measure will remove an archaic and harmful provision of Hawaii's insurance law. The bill will mandate that treatment for injuries suffered by insured individuals resulting from substance abuse will be covered. This provision, coupled with the appropriation in the bill, will make it more likely for healthcare professionals to seize upon a 'teachable moment' when a substance abuser has injured himself or herself. Presently, health care workers are tempted to overlook any suspicion or evidence of substance abuse because to make note of it would deny the patient the needed care for his or her injuries.

"With this amendment to the law, injured patients who may have substance abuse issues will be promptly referred to other medical professionals for evaluation and treatment. The sooner substance abusers can get treated; the sooner they may recover. Nobody benefits under the existing regime of denial. The increase in insurance premiums resulting from this change, if any, will be worthwhile.

"I urge my colleagues to support this measure. 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. 2364, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1671-06) recommending that S.B. No. 2917, 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. 2917, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support with some reservations. Originally, Senate Bill 2917 removed the sunset date for the Hawaii insurance premium rate oversight, but the current version falls short of this because it extends rate oversight only until a specified date, currently 2010. I know that is just a defective date, it can change, and that's the reason I would support this measure at all because at least it does push the date out in the future.

"The rate oversight should be made permanent because it will take a long-term commitment to encourage competition to come into Hawaii's market. Also HMSA is projecting that rates will double in 10 years. In this environment, it's essential that excessive profits be removed from rates. The Legislature should decide once and for all whether it wishes to have rate oversight and not continue to defer the decision.

"Another thing it does is it changes rate oversight in two negative ways. First, it exempts from rate oversight, vision and dental rates, which are now currently under review. And second, it only requires only a methodology filing rather than a full week filing which could leave the Insurance Commissioner without a solid basis for evaluating whether rates are excessive, inadequate, or unfairly discriminatory.

"It makes confidential, only the information containing a rate filing, making it inaccessible to the public and destroying the transparency of rate oversight. It makes the period for filing 30 days with a possible 30-day extension to ensure the proper rate filing. It's currently 90 days.

"It requires the Commissioner to disclose the specific basis for disapproval thereby making it easier for the health plan to contest the Commissioner's decision. It requires the Commissioner to set an interim rate that is halfway between the requested rate and the disapproved rate. This creates an incentive for the health plan to set rates high and simply take the median rate, thereby bypassing the process.

"And finally Mr. Speaker, with all these, I still support it because at least it pushes the date forward. I hope we can fix this bill in Conference Committee and return it to its original intent and that was to delete the sunset date on the Insurance Commissioner's oversight of health insurance premium rates. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with a no. I know this is quite contradictory from where I basically have been advocating and standing for many, many years starting in 2002 when the original bill passed. I know compromise, and give and take, is what this Legislature is all about, but sometimes in life where you have to draw the line and you say, 'I will not give.'

"I have received so many phone calls from business owners that say, 'Give it up. They're going to get what they want down there,' because of things like this. How can the business community and the employees that they insure, healthcare insure, through the Prepaid Healthcare Act that they accept as a way of life in Hawaii. How can we sit here and bargain away the ability to have an independent third party looking at the rates that they are charged for their health insurance for their employees. This is probably the first time I'm actually going to incorporate the words of a fellow legislator because I usually like mine better, but I would like to incorporate the words of the Representative who spoke prior to me because that is exactly what is going on.

"We keep saying the Insurance Commissioner wants these changes. The Insurance Commissioner I talked to doesn't want these changes. He wants the law to stay as it is. We want the law to stay as it is. Actually we could make it stronger, we could make it tougher. The rate regulation as it stands right now does not allow the Insurance Commissioner to take into the account the half billion dollars worth of reserves that our friends at HMSA hold on with such strength. They cannot take into account the income that they continue to receive every year, investing off of our premium dollars while they continue to lower the reimbursement to the providers.

"I'm drawing the line. Leave it as it is. These amendments are unacceptable. You're violating, you're taking away, and they're going even as far as to say, 'We're going to take away what transparency we have.' That's what this place is about, transparency. How can we have Universal Healthcare as we talked about in the earlier bill if we can't even control the monopoly we have now? My vote is no, but please, please, for the sake of the people of Hawaii, the employees of Hawaii, pass the rate regulation out. Leave it as is. Get rid of the sunset. 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. 2917, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1673-06) recommending that S.B. No. 2571, 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. 2571, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2571, HD 1, passed Third Reading in the following form:

S.B. No. 2571, HD 1

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS.

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

SECTION 1. The purpose of this Act is to propose amendments to article VII, section 12, of the Constitution of the State of Hawaii to:

- (1) Authorize the State to issue special purpose revenue bonds and use the proceeds from the bonds to assist not-for-profit private organizations in the development of low- and moderate-income housing; and
- (2) Authorize the State to combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private organizations in the development of low- and moderate-income housing, separately authorized, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds.

SECTION 2. Article VII, section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.

2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.

3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:

- a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or
- b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity, governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The

legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public by not-for-profit corporations;
4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs; [øf]
6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities[-]; or
7. Not-for-profit private organizations in the development of low and moderate income housing.

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; [and] provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds[-]; and provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private organizations in the development of low and moderate income housing, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

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

"Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bonds to assist not-for-profit private organizations in the development of low and moderate income housing; and to combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private organizations in the development of low and moderate income housing, separately authorized, in a total amount not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds?"

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

SECTION 5. This amendment shall take effect on July 1, 2020, upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

At 2:30 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3273, SD 2, HD 2 S.B. No. 2917, HD 3
S.B. No. 2133, SD 2, HD 2 S.B. No. 2571, HD 1
S.B. No. 2364, SD 2, HD 3

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1674-06) recommending that S.B. No. 2572, 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. 2572, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1675-06) recommending that S.B. No. 2334, 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. 2334, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1676-06) recommending that S.B. No. 2688, 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. 2688, 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'm in support with reservations. My reservations are in the date that this goes into effect. This is putting a new Authority in charge of the Youth Correctional Facility. There's a memorandum of agreement that the Attorney General has entered into with the US Department of Justice, and it addresses the concerns raised by the DOJ findings letter of August 4, 2005.

"In the MOA, the State agreed to make substantive, remedial changes over a three-year period to resolve the DOJ's concerns over

conditions at HYCF. The MOA reflects the current statutory relationship between HYCF and OYS, the Office of Youth Services.

"With the Office of Youth Services overseeing the youth facility, it will assume certain supervisory responsibilities remain for OYS. It does not contemplate this diversion of responsibility between the HYCF and the OYS, and it does not include the concept of a commission that will oversee the two separate administration offices. So at least we have to make sure that no changes occur before 2099, I believe, otherwise we're going to find ourselves with a problem with the US federal government. 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. 2688, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1677-06) recommending that S.B. No. 3185, 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. 3185, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in support and I have some comments. Thank you. Mr. Speaker, I think Members here are aware that no other state relies so heavily on oil as we do in Hawaii. We stand alone in the nation on our staggering 77% usage of fossil fuels for energy production. We know as an isolated land mass, that places us in an extremely dangerous position, leaves us vulnerable to international politics, fluctuating supply, and escalating prices. But we have a current policy, Mr. Speaker, that this bill is at least touching upon that could change this whole direction.

"We have a current policy, which is the fuel adjustment clause or the Energy Costs Adjustment Clause, the ECAC. And the ECAC continues to allow the utilities to make us totally dependent on fossil fuel. The ECAC permits energy utilities, such as Hawaiian Electric and its subsidiaries, to avoid any financial risk resulting from fluctuating oil prices because the utilities simply pass on those prices and risks to the consumers.

"I'm not sure if everyone in this Chamber knows that. When the price of oil goes up, so does your utility bill. The utility doesn't share any of the risk or the cost for that. So it's very critical that the Public Utilities Commission significantly adjust the ECAC because by doing so it will force Hawaiian Electric and its subsidiaries to move toward non-fossil fuel energy.

"Director Liu in his testimony before this Senate showed the ECAC's harsh impact on the consumers, stating that it accounted for 33% of Oahu's, and 50% of Maui's residential electricity cost in February 2006. This means that Maui residents could have cut in half their electric bills if Hawaiian Electric were forced to assume the cost of fossil fuel and were forced to really pursue renewable energy projects. HECO's ECAC charge to the consumer increased by 81%, and I believe that was in 2005 according to Director Liu.

"Well, you might what did the other states do. There are 32 states in the nation that have a form of an ECAC. The next highest to Hawaii in oil dependency is Florida and instead of 77%, Florida is simply at a 17% dependency on fossil fuel. So of course their consumers in Florida don't get hit as hard as our consumers in Hawaii with this continual increase in the cost of fossil fuel.

"The bill on page 16, does address the ECAC and turns it over to the Public Utilities Commission to examine the functioning of the ECAC to determine whether the clause operates in a manner that is

fair to rate payers and whether the ECAC should be modified to encourage greater use of renewable energy by the utility.

"My concern about the bill is that we're not taking as bold a leadership step as we should. Mr. Speaker, a couple of years ago after a number of years of trying to do this, we put in a mandate that by the year 2020, utilities would derive 20% of their power from renewable energy sources. That was visionary. That was a positive statement. In this one, it's not as I guess, not as much of a leadership statement as I would like it to be. Not as much of a leadership policy statement. We could have said, 'Okay, Florida's at 17%. Hawaiian Electric you're sort of futzing around and not really doing much with renewable energy.'"

Representative Stevens rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you. 'Hawaiian Electric you're futzing, f-u-t-z-i-n-g, futzing around and not doing what you really should be doing with renewable energy.' But we're going to the say to PUC, 'Okay, go look at it.'

"I would rather say, 'Okay, Hawaiian Electric. Florida only depends upon fossil fuel for 17% of its power. You're depending on 77%. We're going to set, not a goal, but a mandate that you move away from passing through that. You can only be allowed to pass through 50% of the fossil fuel cost to the consumer by the year 2010.' In 2012, we drop it more, drop it more and drop it more until finally Mr. Speaker, Hawaiian Electric should not be able to pass through any of those costs.

"These are the only things that are going to bring Hawaiian Electric to the bargaining table. That's the only way that they're going to really go out and either cooperate, partner with, or stop preventing competitors from coming into this State when those competitors have viable renewable energy projects that they want to install.

"Mr. Speaker, I spent three years getting through a simple bill to have Hawaiian Electric disclose on their utility bills the percentage of fossil fuel they were using to supply consumers with power. Hawaiian Electric fought that for three years. That's the mentality of that corporation. They're after profits for their shareholders and the rest of it, whatever. So of course it's in their shareholders' best interest for them to say, 'Gee, oil is going up. Too bad, the consumers pay. We're not changing. We can rely upon fossil fuel,' as William Bonnet said to me a number of years ago, 'We can rely on fossil fuel for 300 years.'

"That's the mentality we're dealing with it. And so we need to have a much more of a policy statement. We need to say, yes, we'll turn it over to PUC, but we need to set not just goals, but mandated levels of where the Hawaiian Electric can no longer ultimately pass through increases in fossil fuel to our consumers.

"On Maui, the ratepayers will be very happy because they're subsidizing Hawaiian Electric with 50% of their utility bills. And on Oahu, I think we'll be pretty happy too because you and the rest of us that live on Oahu are paying like about 33% because of Hawaiian Electric's insistence on staying, you call it, 'in the La Brea Tar Pits' with our feet sinking in fossil fuel and not being visionary and moving ahead aggressively. Thank you."

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

"Mr. Speaker, I wish to speak in favor of the bill with some reservations. The former speaker's remarks, the speaker from Kailua, is sort of Pollyanna. I used to work for an electric company, I wish to disclose that, many years ago. A little story on that. I tried to

form a union and after I failed, I was asked to leave. So it goes quite a way back.

"And after that Mr. Speaker, I want to just give some incidental stories to let you see where I'm going. I got into the anti-poverty program where I was very active in building solar water heaters, insulation, and windmills. Some of the first in Maui County at least. And also, every time Maui Electric requested a rate increase, we intervened. I had many interventions asking them to show exactly every cent and every cost that they have to justify the rate increase.

"So where I'm getting to here is that, when you look at trying to stop the pass on of the cost of the oil to the consumers, in effect, if it's going to result in a loss for the company, they're going to make it up in a case for increasing rates. You can be assured that they're going back to the Public Utility Commission to request that they have a rate increase so that they can continue to have the margin that is allowed by the Public Utility Commission. So in effect, it will result, it will have the opposite result, we would have an increasing rate rather than what you're have right now.

"Also, in the area of alternate energy, speaking about Maui, since you spoke about Maui and you're so concerned about me and Maui, I'm very happy about that. Mr. Speaker, I have a lot of favor from this woman, I think. This Legislator. Maui at one time had four plantations. Now we're down to two. Well in fact one, only HC&S. The only one that's been producing. We don't have to the bagasse now that we had some years ago to provide for the alternate fuel. They have that much less. Pineapples is not that much that we have. There's only one pineapple company so you cannot use the refuse for that.

"We don't have any water dams. Some years ago we attempted to dam an area and everybody got up and tried to save the environment, which is good. But what resulted is you have that much less alternate fuel. Alternate energy going into it. We have now, driving on Maui, going up to Lahaina, you have a whole slew of windmills. Huge windmills and that will provide some alternate energy that will be sold to Maui Electric Company."

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

Representative Souki continued, stating:

"Thank you very much, to the Representative from Lahaina. But I'm trying to say that it's good to talk about alternate energy. We should set goals, but it should be realistic goals. You look at the capability that we have here and how much we can raise. In the meantime, we need to keep the electric company solvent so they can continue to generate enough electricity so we will not have brownouts and blackouts throughout the State. But Mr. Speaker, I believe that when we go out and explain and tally up the bills, we need to be realistic as we set these goals. Thank you very much."

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

"In support, Mr. Speaker. I'm a longtime advocate of renewable energy. What bothers me is the comparison of the State of Hawaii to other states in the nation and the percentage of oil consumption. For a number of reasons, I think that is somewhat deceptive. We can't transport energy between state lines.

"Take for example the Tennessee Valley Authority. The huge hydroelectric capability of being able to transport that power to many other states. Natural gas, coal, all of those things that we don't have access to.

"I took the hit in 1988 when I was in the Senate and we permitted geothermal. We thought that the world was going to come to an end. Now it's readily acceptable.

"Mr. Speaker, we have enough geothermal energy on the Big Island to supply most of the electricity needs of the State, but they're trying to transport that energy between islands. It is almost impossible to get that approval. I know when it first came up, there was a cry loud enough to lift the roof of this Chamber.

"I mean Mr. Speaker, if we want to look far enough ahead into the future, when Buzz Aldrin spoke to us in the year 2000, I asked him, why we went to the moon? And he said well one of the reasons is that we found enough energy on the moon to supply all the energy needs of this earth. He explained to me how it was and how to get it here. Don't ask me to try and explain it because I don't have a clue, but we need to be looking far enough ahead, utilizing all of the geothermal and all of the alternative energy that we have in this State to solve the problem."

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

"Thank you, Mr. Speaker. I rise in support of this measure. With all due respect to the first two speakers, just listening to them, I've gotten confused over this bill, which I helped write. I think right now, we're at a critical point. We can write all the policies that we want to promote renewable energy, but where we have a huge barrier is on the regulation side and this is what this bill tries to accomplish. How to deal with a rate structure that helps to promote renewable energy and help to stabilize energy cost in this State.

"This measure was done in close consultation with all parties in trying to move this State forward in getting the most reasonable, predictable cost for energy as we transition into different technologies to improve our electricity delivery and usage. And so with this bill, I hope the Members can understand, it address a very critical issue on rate structure, and rate structure that promotes renewable energy and energy efficiency. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to clarify for the Members that when the Representative from Maui was talking about a relationship with me or whatever, he was being facetious. We do have our differences. He knows what they are. I know what they are. And occasionally, it's very rare, but twice this Session we have agreed on certain measures and I think those were related to HCDA. But I didn't want the Journal to be misread by anyone because of his comments. Thank you."

Representative Ching 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. 3185, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1678-06) recommending that S.B. No. 2214, 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. 2214, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

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

"I stand in support. It's a good bill."

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

"Thank you, Mr. Speaker. In support. Now I want to point out, this is having to do with disaster preparedness. And right now the funding comes from the interest from the Hurricane Relief Fund and as long it doesn't touch the corpus, I am in support. I just want to point out that I do have a little bit of problem and that's because it's another special fund, but at least we're not touching the corpus. 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. 2214, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1679-06) recommending that S.B. No. 2343, 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. 2343, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1680-06) recommending that S.B. No. 3114, 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. 3114, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 3114, SD2, HD2. By supporting the community work day program with funds from the State, we will help beautify Hawaii. With an economy focused on tourism, the community work day program litter clean up efforts are invaluable to our island State. With our current economic prosperity, we have the assets to aid essential programs such as the community work day program. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3114, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY WORK DAY PROGRAM," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

At 2:50 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2572, SD 2, HD 1	S.B. No. 2214, SD 2, HD 3
S.B. No. 2334, SD 2, HD 2	S.B. No. 2343, SD 2, HD 2
S.B. No. 2688, SD 2, HD 2	S.B. No. 3114, SD 2, HD 2
S.B. No. 3185, SD 2, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1681-06) recommending that S.B. No. 3186, 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. 3186, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like to once again cast my no vote. I think since I'm one of the newcomers here, perhaps maybe I might explain a little, why I have such a strong feeling about a no vote.

"We're dealing with an industry that is a global industry and is bigger than probably the United States itself. We are one of the first states to start moving forward or did move forward with some type of a control to understand how it is that the oil industry charges for a very important commodity to the people of Hawaii.

"I think we were there, but because of incidences that were beyond our control, which almost everything in Hawaii is beyond our control, I'm so afraid that this particular Chamber is fearful and is running and hiding from trying to be strong policymakers.

"What this measure does, it doesn't put the gas cap or controls into a hold pattern. It literally repeals it. What we're doing is we're attempting also in this bill to establish some mode of transparency. And I think being that we're a state that seems to be driven by monopolies and oligopolies, this is probably, it's something that we've learned to live with but, now it's having such an impact on our lifestyle, the way we live, and I think that the way that our future children are going to live.

"But what we're trying to do with this bill is we're running and hiding and we're saying, 'Hey, you're bigger than us. You know more than us, so we're going to trust you. We're going to put our future and the future of our children in your hands, oil industry. We're going to assume you're going to give us the information so that we can make good policy decisions.' Well they haven't in the past, they will not in the future, and we're jeopardizing the lives of our people.

"Back in the 1990s, I had the fortune of being the President of the Hawaii Automotive Repair and Gas Dealers' Association for many years. And during that time was when we saw the huge merger between Shell and Texaco. And what I did as the President was I stood up, and we, the Association, worked with the Texaco dealers, which were by the way our local small businesses, as they were going to be literally pushed out of business because of this merger, and Texaco would leave the State, thereby leaving us in the hands of Equilon. I had the fortunate, and maybe misfortune because now that I have information that was at my disposal at that time, because I understand how the cash flow works in these oil companies. And probably I will go to jail if I were to share that information with you all, and I saw it. I know the kinds of profits that they take home. And when I say home, home is not here. Home is in Texas. They take it away from us.

"This measure was the first time for us to bring them into some type of control. We had a hard time doing it through antitrust lawsuits. We worked, the Association worked with the Attorney General back in the 80s and 90s as we tried to understand and get them to stop ripping our people off. But guess what we did not under the antitrust laws, we were not able to prove to the court what it is that antitrust laws required.

"So we again walked away with no answers. But the one answer that we got through those antitrust lawsuits, and this is as I get ready to use up the last of my eight minutes here, is the one thing that I learned from that antitrust lawsuit and the one thing that I learned watching what these Texaco dealers went through, and looking at the data that I was given the ability to look at is, as one federal judge said, 'They lie.' They lie folks and guess what? This bill is going to give them the ability to keep on lying to us. Thank you."

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

"Mr. Speaker, I stand with strong support for the bill. Mr. Speaker, in the past nine months, I think the consumers of this State have

experimented with the gas cap and we have all seen the extreme volatility that's resulted. And we still remain the highest price for gas in the country.

"Having said that, I have to say that this Legislature from before I joined it, before others joined it, have struggled with how to address this very real problem in a serious way to help all the consumers of our State, and it came up with a gas cap, as a first step, a bold step to see what they could do. And it's important to remember Mr. Speaker, what one of my favorite Presidents, Franklin Roosevelt said a long time ago. He said, 'The country needs and demands bold persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly and try another, but above all, try something.'

"Mr. Speaker, I think it's in this spirit that this Legislature adopted the gas cap. It's a bold initiative. It's hard to be constructive. It's easy to tear down. We've seen it time and time again by people and it takes a belief in the future to step forward.

"Now this Body, Mr. Speaker, I think is stepping forward with another proposal, thanks to the Chair of Environmental Protection and Energy and others, to see if there isn't something better that we can do. In the meantime suspend the gas cap so there's a package of bills. Some of them are combined in the bill that we're looking at today and others are moving. We've heard speeches from both sides of the aisles on those bills. Brought together, I think it's going to result in more meaningful, real improvement.

"We've been decisive this year, Mr. Speaker, in addressing this issue. We've taken a wide-angle view, a long-term view, in addressing the problems that Hawaii's petroleum industry has created in our State. And I think it's a constructive and meaningful approach that we've taken, no matter what people may say in the other Body or out there in the community including from some of our former governors, Mr. Speaker.

"I'm hoping that our colleagues in the Senate will be prepared to take the steps that are necessary to bring about real improvement. Not playing it cute. Not trying to think someone is going to miss it and that we're going to remain with the gas cap in place. But true improvement, because in the end Mr. Speaker, if we don't reduce our dependence on fossil fuel, we're just pushing our State into a looming crisis. And I think this Body with you at the lead, are pushing a new way to approach our problem with dependence on fossil fuel. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I have some reservations, in support with reservation. My reservations are that this does not, right now, repeal the gas cap. It merely suspends it. And I hope it stays suspended, and it doesn't repeal until 2011. I'd just like to see it repealed right now. Thank you."

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

"Thank you, Mr. Speaker. I rise in support with reservations. My reservations have been articulated by the Representative from Makakilo. But the Representative from Manoa talked about bold steps to do something to help the consumers.

"I hardly say that the gas cap was a bold step. We sort of put it out there and didn't even make it happen for three years. Just had it hanging over the heads of the oil industry and used it as we might, those that wanted to bludgeon people that didn't support it over the head, saying they were in the pocket of big oil. But we created the gas cap and then we hung it over the heads of the oil industry, and then we had it finally come into effect in August of '05. And we have seen what it did.

"And now what again has been stated as another bold move, we're talking about suspending it maybe. I mean from the conversation in the other Chamber, their bill is quite different, where they would have some kind of temporary suspension and any time the price went above a certain benchmark, we'd bring back the gas cap. So I mean I don't think anything about this is bold.

"There was a *People's Pulse* magazine sent around to all of us on the question about the gas cap was put before average citizens. And close to 70% of the people said get rid of the gas cap. Bold action would be doing just that and that's not what we're doing here today. 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 Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support, but I would like to adopt the words of my colleague from the Windward side and just add one sentence from the DBEDT report, that their analysis reveals that the gasoline price cap cost consumers as much \$54.9 million between September 1st through January 2006. It's a lot of money our consumers have had to pay for a faulty system. Thank you."

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

"Mr. Speaker, I wish to speak in favor with some minor reservations. One of course, I would prefer that we would have a repeal outright, rather than the current measure that's before us. But being what it is, I think we need to move on.

"Also Mr. Speaker, I will want to include the remarks of the Representative of Manoa as my own. I want to add one caveat to all of this. I'm certainly hoping that the Chair of CPC in the Senate does not accept the House position. If they do, it means that we will continue with the gas cap until 2020. Thank you."

Representative Finnegan rose, stating:

"Mr. Speaker, can I adopt the words of the Representative from Kailua and Kaneohe, and Hauula and I will forego my written comments," 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. 3186, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1682-06) recommending that S.B. No. 2190, 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. 2190, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I will be voting no on this measure. I'd like to maybe perhaps explain a little bit about what's going on with this bill because I know quite a few people are quite confused about this bill because it does seem like the semblance of a gift or a relief to businesses. But I think if we look at the bill in its form that is before us today, it's a rather spooky relief.

"First of all, the bill provides that the rollback for businesses on the unemployment insurance will be for just a year. The second piece also says that we are going to raise the amount of benefits and I believe it's an 18% increase. I think what we need to take a look at is unemployment insurance is a temporary assistance for workers who are in between jobs, that have lost their job and are looking for another job. It is not an economic relief package. It is not meant to give workers the ability to go out and plunge money into the economy for revival should there be a tumdown in the economy, contrary to the belief of some of us.

"The problem is we're going to rollback the amount businesses per year, and which by the way the Fund right now is standing at \$558 million. We take in approximately a \$138 million per year, and right now we are only paying out something like \$89 million a year. With this additional increase in benefits, my math is pretty bad, but it looks to me like the increase in benefits are going to go up \$15 million. But the problem is benefits. These benefits are a permanent benefit. You cannot go back to an employee, and I would never do this to an employee, and say, 'Oh, what I gave you by the way, I change my mind. I'm taking it back.' So it's going to be a permanent increase, but we're only going to do the rollback of pay in only for a year. So the amount going out is going to increase and it's never going to go down, but after a year, we need to pay back into Fund.

"I really question whether or not that is a benefit for the business community. I think perhaps maybe if we could do it two or three years and then take a look at it. That might be, maybe a little bit more agreeable.

"And I think one of the worst parts of this particular bill is the definition of 'willful and wanton behavior'. It really scares me because I think the debate has been going on for years that we abhor violence in the workplace. That is unacceptable behavior. However, this bill sends a different message. It says, 'Hey, if you believe in violence in the workplace, and you try to strangle one of your fellow employees or maybe even the owner, given the right reasons, then you can still collect unemployment insurance because that is not willful or wanton.'

"Now there are so many different messages in this measure, that what started out as potentially a real benefit for businesses, I think has turned out to be a real insult, a real insult, and I hope that those small businesses that happen to have the time to be listening to us today, that you call us and say it's better that maybe perhaps we leave this alone until we really give it some real thought. Thank you."

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

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

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

"Mr. Speaker. Because I support the purpose of this measure as it was introduced, I am in support of moving this bill along. However, because I have grave concerns with which the bill has been amended, I have strong reservations that I hope will be addressed as the bill goes into Conference.

"First, let me be clear that I support the portion of the bill that reduces assessments to employers. The Unemployment Insurance Fund is at an all-time high and has a healthy reserve. Balancing that against our State's rate of unemployment being the lowest in the nation, I feel that some reprieve to employers and businesses is justified. The bill would provide an estimated savings to businesses of \$55 million.

"However, I am opposed to the remainder of the bill that increases unemployment benefits. Hawaii's unemployment insurance ("UI") is already one of the most generous in the nation, in terms of amount, duration and conditions under which employees are eligible. There has been absolutely no showing that these changes are needed to help those who are unable to find employment or accomplish the purposes of the UI Fund. Secondly, the Department of Labor and Industrial Relations estimates that this would raise costs of UI by about 18%. This undermines any of the initial intent of the bill to provide savings to employers.

"Most disconcerting, are the changes to the law requiring an employer to show "willful and wanton" misconduct in the denial of UI benefits. Again, there has been no showing that the current system is unfair. Rather, this standard will only invite more abuse and litigation to contest that perceived abuse.

"In the end, I was torn as to whether to vote for this bill. However, I decided to support the bill with reservations to allow discussion to continue. I believe that through the process, when all of the evidence is considered, the objectionable parts of the measure will be removed, and we will be able to come out with a good and beneficial piece of legislation. Thank you."

Representative Yamashita rose in opposition to the measure, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in opposition of Senate Bill 2190, SD1, HD2. This bill has serious flaws, and will be harmful to both employers and the unemployed in Hawaii. Passage of SB 2190 would discourage those receiving unemployment benefits to find new work by extending those benefits from 26 weeks to 30 weeks. Perhaps under certain circumstances, such as a mass layoff, unemployment benefits could be lengthened through special legislation that has been done in the past, however giving all unemployed an extra month of benefits will most likely delay their return to the workforce.

"In addition, lowering the ceiling for employer payments into the unemployment fund will be harmful to employers over the long term. Reducing the contribution cap to seven thousand will provide \$55 million in relief in the short term, but will cost employers \$59 million the very next fiscal year with the schedule adjustment mechanism currently in place. Instead, the payment ceiling should be lowered more moderately; to between \$14 and \$17 thousand, which both aid employers and avoid a severe fiscal backlash. Aiding employers and the unemployed is very important, however SB 2190 does neither. We must rethink existing unemployment mechanisms to ensure that the unemployment fund continues to receive adequate finances and employers are not overly taxed. Doing so will ensure that workers will have something to fall back on in times of economic hardship, employers will not be over burdened, and that the fund balance will remain both fair and reasonable. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition. I would ask that the words of the Representative from Downtown Honolulu be inserted in the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Meyer continued, stating:

"I also want to just make the point that the money that goes into this Fund comes from the employers only. It's not a withholding tax. The employees don't put any of their money in it and it's important to note that it's not a social program. And what we've done here, we started with a good bill, trying to give businesses a break and now we turned it on its head. We're just going to give the businesses a break for one year, and we made these permanent increases in benefits to

unemployed employees. And that wasn't the purpose of the bill at all. Thank you, Mr. Speaker."

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

"Mr. Speaker, I will be voting no at this time because I really support the rollback of the taxable wage base to \$7,000. But one year is not enough. It should be three years or five years. We must find a way to reduce the \$500 million Fund because it doesn't do us any good just sitting there. If it was a five-year rollback, then I might consider voting differently. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition to this bill. This measure considerably increases unemployment compensation. Hawaii's unemployment rate, currently the lowest in the nation, has had the net effect of driving wages to an all-time high.

"In its current form, this bill would greatly expand the amounts employers pay. According to the National Federation of Independent Businesses, this measure, "though labeled as "Unemployment Insurance", the collection of unemployment insurance premiums is effectively a tax, paid by employers to the Unemployment trust fund and used to pay unemployment benefits."

"Also, there are concerns about the raising of the standard for denial of benefits to misconduct."

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

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

"Thank you. With reservations. I just wanted to point out that while this unemployment tax or unemployment fee might be considered paid only by business, it isn't a withheld item from payroll. Nevertheless, these kinds of costs do affect the amount that employees are paid.

"In the private sector, whether union or nonunion, responsible employers are looking at the total cost of having an employee or having their employees. Anytime we ratchet up the cost whether by this method or workers' compensation rates being too high, that adds to the total compensation and reduces the amount that the employer could pay the employees.

"So indirectly, if you think it through in its composite, these kinds of raising the cost of keeping employees actually diminishes the amount the employees earn. So having said that, I am in favor of workers' compensation and I am in favor that we have those costs, but I'm pointing out that if the cost go up, especially if it's unnecessarily going up then the employees are actually hurt by that. Thank you."

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

"Thank you, Mr. Speaker. In opposition. I'll just make two other quick points. This measure also increase to 80% the cap on maximum weekly benefit amounts. And it increases the annual maximum benefits on an eligible individual from 26 times to 30 times the eligible individual's weekly benefit amount. These are other costs in addition, which as the previous speaker mentioned, we end up paying for them. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of the measure. Mr. Speaker, maybe at the outset let me just kind of outline what the bill does because basically Senate Bill 2190, SD 1, HD 2, provides for tax relief, unemployment insurance tax relief to the employers in the State of Hawaii. And what the bill does is it provides for, as indicated by a number of speakers, one year of relief.

"What wasn't said is the value of that relief, Mr. Speaker, because the value of that relief turns out to be \$55 million. And \$55 million, Mr. Speaker, turns out to be the largest such tax relief we provided to the employers under the Unemployment Insurance Law in the history of our State.

"Essentially the other part is the package of benefit improvements, and as indicated by earlier speakers, it provides for a package of improvements that would amount to about 18% in terms of payout to the unemployed employees.

"Let me cover the one-year period first because a number of speakers had hit upon that. In the history of our State, we provided this kind of tax relief on four occasions in the past two decades. In 1998, we provided one-year relief to the employers amounting to about \$40 million. In 1991, we provided for one year of relief to the employers, again amounting to \$40 million. And in 2001, and this is in the post-9/11 experience that we went all went through, we provided the employers with one year of relief for \$40 million. The fourth time, Mr. Speaker, was in 1992 when we actually provided a package of relief to the employers valued at \$50 million for one year. And so on each occasion that the Legislature has provided such relief, it has been for one year even though the debate at the time was, as indicated today, we should provide for a multiyear tax relief package that the Fund can withstand such a hit and therefore it would be fair to provide that.

"But Mr. Speaker, I would submit to you that there was a reason that each Legislature provided for one year of tax relief. And essentially that's because we cannot predict the future. We don't know what's around the corner. Whether or not there's a 9/11, heaven forbid, or a hotel strike, or any other of these things, we don't know. Yet, we do know that if we provide for one year of tax relief, there'll be the next Session to consider based on the experience that has occurred whether there's adequate capacity to provide for additional relief. And actually history shows that we did that in 1991 and 1992.

"But let me talk about the other part where there's been references to providing one year of relief to the employers. That seems to be temporary, yet the improvement of benefits seems to be permanent, so how is that a balance? And let me begin Mr. Speaker, by at least indicating or briefly covering what's in the bill currently because as earlier speakers have indicated, one of the changes is to take the maximum number of weeks that an unemployed employee can receive unemployment insurance. Currently it's 26 weeks. This bill will increase it by four weeks.

"Actually post-9/11, we as a Legislature, if you recall, because of the staggering unemployment that occurred because tourism was hit and hit hard. When all the flights were cancelled and all of that, there was an immediate and direct impact on our economy. We knew that by providing relief to the unemployed, they would at least have resources to take care of food, shelter, essentials. And that's what they did because by spending that money it helped to turn things around faster rather than on a more-lengthy basis. And therefore, even though the average claim in the State of Hawaii, the average claim, unemployment insurance claim last about 14 weeks. This would provide an additional four weeks primarily ..."

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

Representative Takamine continued, stating:

"Thank you very much. Primarily for those who are structurally impacted in terms of unemployment. For example, the Del Monte workers. Those who have lost their jobs and would need training, that would of course, take a longer period of time and at least they might experience the benefit of four more weeks of unemployment insurance payments.

"The second change is a change to the cap. Currently no matter how much you are paid, your unemployment insurance benefit amount is determined on the amount of pay you receive. Today employees receive about 60% of what they make. But at a certain level the higher paid employees are subject to a cap so that even though their 60% of what they make would be more, they're stopped by the cap amount. Currently in 2006, because the average weekly wage is \$654, that cap is about \$459. So therefore anyone who makes about \$18.48 an hour, anyone above that is affected by the cap and would not receive the 60% of what they make.

"The proposal in the bill would be to increase 70% of the average weekly wage to 80% of the State's average weekly wage and potentially add up to about \$65 more per payment for those employees who make over \$18.48, yet who make less than \$21.12 because once you're at that level you'd be subject to the 80% cap and you could not receive more than that even though 60% what you made amounted a higher amount.

"And the final provision in the bill provides for what we have referred to as the offset, for those employees who are forced to work more than one job. Where they get laid off from, they're entitled to unemployment insurance. However, if they're working part-time and make some payments off of their other job, anything more than \$50 of that is deducted from their unemployment insurance and therefore under certain circumstance could be a deterrent, with this incentive at least.

"This is the package of benefits that collectively the Department of Labor says would amount to 18% increase in the payouts. But let me point to what history has taught us because in 1992, we made some fundamental changes to the unemployment insurance law. And at that time we recognized that, we're just part of a federal system because we need to comply with the federal unemployment insurance law. If we don't, there's some significant penalties. And the whole idea was after going through the Depression and all of that, government in its wisdom saw that there is a need. That given our economic system that goes through cycles, when we go through a downturn, we need help to turn that around and the sooner the better.

"Also that is not the time to hit employers with any kind of additional financial burden. And therefore based on the concept that during the good times you put away so that during the downturn, during the bad times you can pull from that to inject more cash flow into the economy. That would help shorten the time it takes to come out of that economic slump or depression.

"Therefore based on that premise, the State Legislature, in its wisdom in 1992, put into place a new system, a self-adjusting system where you have schedules A through H, that would adjust sooner and provide during the good times for that reserve to be used during the bad times."

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

Representative Takamine continued, stating:

"Thank you very much. I'll try to finish up and wrap up, Mr. Speaker. In 1992, what we did was, we attempted to put into place, balance. What we did was we provided for a \$50 million economic relief package for the employers, but we also packaged that with a number of benefit improvements.

"Number one, what we did was adequacy. How much do you need to keep in the fund to be able to last through the bad times? Until 1992, it was one year of benefits at the high unemployment insurance rate and the amount that we needed so you could accomplish that.

"In 1992, we increased that by 50%, we said look at the high unemployment insurance rate, 18 months ability to make payments to the unemployed would be what adequacy would be. That was put into the law. We also changed the benefit amount. For each person until then, they received about 50% of their wages, actual wages. In 1992, we changed that to about 61% of their wage amount, the amount of wages that they received. And therefore for all claimants there was an improvement.

"Also the cap at that time was 66 and 2/3% of the State average weekly wage. That's when we moved it up to 70%. So we increased the cap at that time. And also the offset, the offset was \$2, not the \$50 that is currently there, and at that time we changed the \$2 to \$50.

"Granted this was a larger package of benefit improvement but that was the package that was passed in 1992. And I guess my point, Mr. Speaker, is that, the bill before you would provide the largest tax relief package in the history of our State. \$55 million, even more than the \$50 million that we put into place in 1992.

"In 1992, the improvement package was probably larger than what is in Senate Bill 2190. However, history tells us that when the Legislature did that, it set the stage, well first of all there was no catastrophes to their system. What in fact we have is the ability, the capacity, Mr. Speaker, to go through a 9/11 experience. To live through that, come out okay with the adjustments that were made and to be in a position four years later to give to the employers the largest tax relief package ever in the State of Hawaii.

"I think it says something how the unemployment insurance system is working. Therefore, the 1992 package was only one year of tax relief and the benefit improvements were permanent. In light of that, I would urge positive consideration of the measure before us. Thank you."

"Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. With reservations as I was before. I'd like to point out that, what is characterized as the largest tax relief in the history of the State is simply a rebate of over-collections. What this is being referred to as tax relief, is just returning to the employers what was an apparently, at least in retrospect, an over-collection and apparently we do that from time to time.

"Further, I'd like to point out that this was mentioned as a one year phenomenon has occurred from time to time. But the other benefits that are being mentioned here are an increase in benefits to those who are unemployed. It's a definitive increase in unemployment benefits. This is costing in the long run, this is going to cost more while those who are on unemployment will in fact benefit, get higher benefits. The impact of this tax as a cost of employees, impacts all employees. So it's important when we deliberate on making these increases to understand that while we're giving benefits, higher benefits to those who actually do become unemployed, this is actually reducing the payrolls of all of those who do work and do not go on unemployment. It's a tradeoff. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I'm a little puzzled. I guess I don't have all the history and background in regards to the unemployment tax, but I am a little puzzled when we call this tax relief. Mainly because in tax relief, if I pay taxes and I get relief, it comes back to me. Well what I'm seeing in this is sort of like tax relief because the people who are paying the tax will get some relief, but in the meanwhile more relief or more money would be going towards expanding the benefits.

"So it's kind of like if I were to pay insurance for someone else because I needed to or wanted to, and then when they say, 'Okay, well know what? You overpaid or we're going to give you a rebate,' they're going to give it to that person instead of giving it to me, the person who has paid. And that's what you're doing, I think, when you take a look at giving the one-year versus, in perpetuity for the rest of the benefits.

"And the other thing that's a little puzzling to me is that in the statement where we're saying well we don't know what's going to happen in the future and that's why we're giving one year of relief, or giving one year of lowering the tax wage base, then I would say, how do you explain in perpetuity giving the increase in benefits because we don't know what's going to happen later on in the future. And that maybe both should be done for a year only.

"Then the other thing Mr. Speaker, is just investing in businesses, we're talking about reinvesting in the economy should we have a slump. Well by giving some of these premiums back to businesses, we're actually investing in those businesses so that they can make it through an economic slump. That's how I see some of this. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in very strong support of this measure. And I would like to thank the Chair of the Finance Committee for standing up and explaining this measure. I am in support of increasing the benefits for the unemployed because I was unemployed when I left active duty with the Army and the amount I was getting and I was getting the pay of a Captain when I left Army. It was just like leaving steak and going back to bread and water after I left the Army. It gave me six months of unemployment. I did choose to. There's really no way that I could survive with that amount.

"So I'm in full support of that measure. And furthermore, this benefits both the unemployed and the employers. So we're going both ways with this. And the other thing is that it's written conservatively enough that it's only good for one year. And we'll be here next year, Mr. Speaker. And if it needs to be extended, I would support it again if the economy allows for it. Thank you."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. I again have to emphasize my no vote and I just need to get the last word in here on this particular issue. The reason is, is those of you that don't know me back in the 90s when we were going through this, what I think we're now calling a recession in Hawaii. The business community was here begging for relief from this very same issue and we were told, 'Go away, go back home, and continue to work because this is a bad economy and we cannot, we cannot not take from you.'

"So now we have a good economy and we are saying, 'Oh, this is the time that we need to take from you.' We need to figure this out. If we support our business community and support future economic growth as in sustainability, then we need to pay attention and we need to send a resounding message that we're done overburdening our small businesses. Thank you."

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

"Mr. Speaker, I rise in support. Brief comments, Mr. Speaker. I'd just like to point out Mr. Speaker, that according to the Department of Labor, if the Fund balance continues on the course that it currently is set to eclipse \$523 million at the end of this fiscal year, that businesses will get an added benefit besides the \$55 million tax break. They will in fact be paying less because the UI Fund is set to move from the index C assessment to the index B assessment, Mr. Speaker. And that's a significant affect on the Fund balance. And

what that means Mr. Speaker, is that they're actually paying rates similar to what they paid in 1992-94, and that will also mean significant savings for the businesses. So I think that this is a balance approach. Thank you, Mr. Speaker."

Representative Meyer rose to respond, stating:

"Just one short remark. I think something that's maybe not evident to everybody in this Chamber is that, whereas the largest majority of states on the mainland charge the UI Insurance on the first \$7,000 of an employee's wage, Hawaii has a moving target. They do it by some kind of a formula. Right now it's set at about the first \$32,000 worth of payroll payment. So we are collecting, and yes the Majority Leader's right, when we're at these different levels, we pay a lower percentage of that first \$32,000. But the bill before us gives the businesses a break because it drops it to what the majority of the other states have and the businesses will only pay the insurance on the first \$7,000. So this still is a very unfair 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. 2190, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Berg, Carroll, Ching, Chong, Finnegan, Harbin, Ito, Kahikina, Karamatsu, Marumoto, Meyer, Moses, Nakasone, Pine, Shimabukuro, Tanaka, Thielen, Yamane and Yamashita voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1683-06) recommending that S.B. No. 2997, 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. 2997, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. I request that we just look at it a little bit further. This bill exempts agencies specifically named from State procurement laws. My concern about this is that it appears to ignore the fact that current procurement laws were drafted to face situations involving serious breaches of public trust.

"We currently have control over procurement for a reason. It's cumbersome, perhaps. It's inconvenient, as time consuming as they may appear. But it's much easier I think and often more tempting to streamline purchasing in ways that lend themselves to fraud and abuse.

"I would not want to subject these corporations and entities to that sort of questioning. I think what we would rather do is have the procurement laws looking at more sufficient mechanisms for moving more quickly when circumstances justify needed action, but keeping the process always transparent. The public really wants, requests, and deserves transparency when we're working with public funds. So I stand in opposition."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2997 SD1 HD1, which exempts legislative agencies, the Hawaii Strategic Development Corporation, the High Technology Development Corporation and NELHA from the Public Procurement Code. The State Procurement Code's source selection methods provide for invitations for bids,

requests for proposals, professional services, small purchase, sole source, and emergency purchases for almost all of the procurement requirements covered. Even when none of the Code's methods are practicable, the Code allows for specific exemptions. Exemptions may be specified by law, by rules that the Procurement Policy Board may issue, or by determinations that the Chief Procurement officer makes in writing. Given this flexibility for reasonable, specific exemptions, there is no need for blanket exemptions from the code for any of the agencies seeking them in this bill. DAGS testified that the specific agencies requesting exemption do not possess unique requirements that would necessitate exemption from the Code.

"There is also no need for exempting the services of contractors under the contract with a legislative agency for the purpose of preparing a study or report for submission to the legislature. DAGS has contracted for such studies pursuant to the code and been able to fulfill the legislative intent in a timely manner. It was the Legislature's intent for the Procurement Code to be the single source of public procurement policy. It provides for transparency and fairness in the procurement process, fosters effective broad-based competition, and increases public confidence in public procurement. The code safeguards against negative public opinion of government procurement procedures and protects against any public perceptions of governmental waste, fraud, or abuse. Changing the law to create these blanket exemptions is not a good idea. Thank you, Mr. Speaker."

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

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

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

"Thank you, Mr. Speaker. In opposition. I think with the recent change in this measure, it only exempts persons or entities doing business with the Legislature. So it is reports for the Legislature to contractors under contract with a legislative agency. I don't get it. Are we just exempting ourselves now? 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. 2997, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Berg, Finnegan, Harbin, Meyer and Moses voting no, and Representative Stonebraker being excused.

At 3:33 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 3:34 o'clock p.m.

At 3:35 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3186, SD 2, HD 2 S.B. No. 2997, SD 1, HD 1
S.B. No. 2190, SD 1, HD 2

THIRD READING

S.B. No. 2298, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2298, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2260, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2260, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2265, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2265, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2327, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2327, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

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

The motion was put to vote by the Chair and carried, and S.B. No. 2327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2922, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2922, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Finnegan, Moses and Pine voting no, and Representative Stonebraker being excused.

S.B. No. 2913, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2913, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Meyer, Moses and Thielen voting no, and Representative Stonebraker being excused.

S.B. No. 1015, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 1015, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm going to be rising with a no on this measure. And I'd like to offer my apologies to those that are impacted by this particular issue from the island of Kauai. However, I must once again raise the issue of our process of gut and paste, which we've been looking at *Mason's* section 402, in which the amendments must be germane. And these amendments are not germane. And I would also like to raise the issue that this measure may be unconstitutional as it will not pass the constitutional muster of three hearings on three separate days in both Chambers. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1015, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 49 ayes to 1 no,

with Representative Harbin voting no, and Representative Stonebraker being excused.

S.B. No. 3076, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 3:39 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2298, SD 1, HD 1	S.B. No. 2922, SD 1, HD 1
S.B. No. 2260, SD 1, HD 1	S.B. No. 2913, SD 1, HD 1
S.B. No. 2265, SD 1, HD 1	S.B. No. 1015, SD 1, HD 1
S.B. No. 2327, SD 2, HD 1	S.B. No. 3076, SD 1, HD 1

The Chair then announced:

"Members of the House, we will be taking Senate Bill No. 1734, SD 2, HD 1, out of order."

S.B. No. 1734, SD 2, HD 1:

Representative Chang moved that notwithstanding the report of the Committee, that S.B. No. 1734, SD 2, HD 1, be recommitted to the Committee on Finance, stating:

"Mr. Speaker, in light of the unresolved issues concerning this measure among the racing community, I move to recommit S.B. No. 1734, SD 2, HD 1."

Representative Kanoho seconded the motion.

The motion was put to vote by the Chair and carried, and S.B. No. 1734, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Finance, with Representative Stonebraker being excused.

S.B. No. 2155, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2155, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm going to be voting no on this measure and I'd like to just give a few remarks. Thank you. Mr. Speaker, as I understand it, Lake Wilson and Wahiawa Dam are part of the land that is involved in this. I believe that whatever we would do, we would need to demand that the present landowners bring the land into conformance with health, safety, and environmental requirements before there's any purchase of that land. Otherwise we are buying a big liability. Thank you."

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

"Mr. Speaker, I'd just like to declare a potential conflict. My wife is Vice Chair at Bank of Hawaii. They manage the Galbraith Trust. In addition, several of my law partners are beneficiaries of the Galbraith Trust," and the Chair ruled "no conflict."

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

"Mr. Speaker, I have reservations on this measure. I was not able to get an adequate explanation why general fund cash would be used for the purchase of this property rather than CIP bond funds. Nor did I get a good description of what U.S. Treasury zero coupon bonds are. I have no idea. And also, I'm unsure as to the exact amount that we are appropriating. So I will reserve my vote until the final hour, but at this time I will vote with reservations."

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

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

"Thank you, Mr. Speaker. I also have some reservations. In talking with the farming community, I know whereas government buying land will ensure that it's kept in the public trust and in the public intention. My concerns are with ADC taking on new responsibilities. There are some questions that need to be clarified. Thank you."

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

"Mr. Speaker, I'm rising in opposition to the bill. I think that I did ask the Majority Leader what the property was appraised at. What kind of a price tag are we looking at? He said somewhere between \$40 and \$60 million. I just really question whether that's a good investment. We have so many other needs for the money. And as the Representative from Waialae said that we're talking general funds at this point in time. I think there's a lot of liability involved with this property with Lake Wilson and the dam. You remember when we had all those plants growing there and fish dying. And that was a very expensive proposition. Things like that can happen. So I think there's a lot of maintenance involved in this purchase and we should think very carefully before we jump into it. Thank you."

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

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

The motion was put to vote by the Chair and carried, and S.B. No. 2155, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Thielen voting no, and Representative Stonebraker being excused.

S.B. No. 2259, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2259, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION CHARGING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 1317, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1317, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 3:44 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2155, SD 2, HD 1	S.B. No. 1317, SD 1, HD 1
S.B. No. 2259, SD 1, HD 1	

SUPPLEMENTAL CALENDAR #1

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1684-06) recommending that H.R. No. 53, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1685-06) recommending that H.C.R. No. 69, 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. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1686-06) recommending that H.R. No. 89, 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. 89, entitled: "HOUSE RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES"," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1687-06) recommending that H.C.R. No. 122, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES"," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1688-06) recommending that H.C.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.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL CAMPAIGN TO RAISE AWARENESS AND INFORM WOMEN ABOUT MENOPAUSAL HORMONE THERAPY AND DESIGNATING SEPTEMBER AS MENOPAUSE AWARENESS MONTH IN HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1689-06) recommending that H.C.R. No. 219, 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. 219, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUPPORT THE FORMATION OF A HEALTH INFORMATION EXCHANGE SYSTEM FOR THE STATE OF HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1690-06) recommending that H.R. No. 43, 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. 43, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PREPARED EMERGENCY RESPONSE COMMISSION TO STUDY EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN IN THE EVENT OF A NATURAL DISASTER," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1691-06) recommending that H.C.R. No. 58, 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. 58, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PREPARED EMERGENCY RESPONSE COMMISSION TO STUDY EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN IN THE EVENT OF A NATURAL DISASTER," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1692-06) recommending that H.R. No. 150, 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. 150, entitled: "HOUSE RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1693-06) recommending that H.C.R. No. 196, 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. 196, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1694-06) recommending that H.R. No. 129, 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. 129, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL

AGRICULTURE AND HUMAN RESOURCES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1695-06) recommending that H.C.R. No. 170, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1696-06) 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 URGING THE UNIVERSITY OF HAWAII TO DEVELOP A WEST HAWAII COMMUNITY COLLEGE CAMPUS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1697-06) 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 URGING THE UNIVERSITY OF HAWAII TO DEVELOP A WEST HAWAII COMMUNITY COLLEGE CAMPUS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1698-06) recommending that H.R. No. 217, be adopted; and

(Stand. Com. Rep. No. 1699-06) recommending that H.C.R. No. 282, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 217 and H.C.R. No. 282, 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. Just some reservations. I'm not sure about how to express outrage. But I would like to point out that the Education and Workforce Chairman Boehner said that most of the savings in the bill comes from administrative cost and subsidies to lenders, not from students. And so the students do fine under this proposal. The lenders out there, they're bleeding. The Committee had said that the measure would reduce insurance rates given to lenders to help protect them from defaulted loans and increased lender fees. It also aims to lower collection costs, encourage lenders to be more efficient in collecting on loans. Thank you."

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

"Mr. Speaker, briefly in support. This is a little difficult, but apparently second-hand smoke doesn't cause cancer. There's no

global warming. And Pell Grant cuts are not actually hurting students, they're hurting the lenders. It's just difficult for me to sort of grasp what's going on, on the House floor here.

"Let me be clear, there was \$17 billion worth of Pell Grant cuts. And just as an example, a friend of mine comes in to my other office, and says, 'You know my interest rate from my student loan for my son, it went up from 3.5% to 6.25%.' So I don't see how that hurts a lender. I see how that hurts an individual person, a middle class person trying to put their student, their son, through college. I am outraged. I know exactly how to express it. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 217, entitled: "HOUSE RESOLUTION EXPRESSING OUTRAGE AT RECENT CONGRESSIONAL CUTS TO STUDENT LOAN PROGRAMS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused; and

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING OUTRAGE AT RECENT CONGRESSIONAL CUTS TO STUDENT LOAN PROGRAMS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1700-06) recommending that H.R. No. 29, 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. 29, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ESTABLISH UNDERGRADUATE AND GRADUATE DEGREE PROGRAMS IN INFORMATION SECURITY WITHIN THE DEPARTMENT OF INFORMATION AND COMPUTER SCIENCES TO DEVELOP SKILLED AND HIGHLY-TRAINED GRADUATES TO ASSIST THE STATE IN DEFENDING AGAINST CYBER-THREATS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1701-06) recommending that H.C.R. No. 298, 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. 298, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII AT MANOA TO STUDY THE FEASIBILITY OF MANDATED OR INCENTIVE BASED VOLUNTARY ROOFTOP LANDSCAPING AND AGRICULTURE IN URBAN DISTRICTS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1702-06) recommending that H.R. No. 198, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 198, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE ADMINISTRATIVE AND EXTENSION WING OF THE KOMOHANA RESEARCH AND EXTENSION CENTER IN HONOR OF TADASHI HIGAKI," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1703-06) recommending that H.C.R. No. 258, 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. 258, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE ADMINISTRATIVE AND EXTENSION WING OF THE KOMOHANA RESEARCH AND EXTENSION CENTER IN HONOR OF TADASHI HIGAKI," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1704-06) recommending that H.R. No. 248, 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. 248, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1705-06) recommending that H.C.R. No. 314, 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. 314, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1706-06) recommending that H.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.R. No. 101, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1707-06) recommending that H.C.R. No. 137, 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. 137, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Waters and Kahikina, for the Committee on Higher Education and the Committee on Housing presented a report (Stand. Com. Rep. No. 1708-06) recommending that H.R. No. 167, 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. 167, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Waters and Kahikina, for the Committee on Higher Education and the Committee on Housing presented a report (Stand. Com. Rep. No. 1709-06) recommending that H.C.R. No. 203, 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. 203, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A STUDY FOR CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1710-06) recommending that H.R. No. 56, 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. 56, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, ADULT FOSTER HOME ASSOCIATION, AND CASE MANAGEMENT COUNCIL TO WORK TOGETHER TO CLEARLY DEFINE AND RECOMMEND THE THREE DISTINCT COMPONENTS OF THE RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY AND THEIR MODE OF SERVICE DELIVERY, FOR INCLUSION IN THE DEPARTMENT OF HUMAN SERVICES QUEST EXPANDED ACCESS REQUEST FOR PROPOSAL," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1711-06) recommending that H.C.R. No. 72, 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. 72, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, ADULT FOSTER HOME ASSOCIATION, AND CASE MANAGEMENT COUNCIL TO WORK TOGETHER TO CLEARLY DEFINE AND RECOMMEND THE THREE DISTINCT COMPONENTS OF THE RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY AND THEIR MODE OF SERVICE DELIVERY, FOR INCLUSION IN THE DEPARTMENT OF HUMAN SERVICES QUEST EXPANDED ACCESS REQUEST FOR PROPOSAL," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Souki and Waters, for the Committee on Transportation and the Committee on Higher Education presented a

report (Stand. Com. Rep. No. 1712-06) recommending that H.R. No. 206, 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. 206, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF TRANSPORTATION TO WORK COLLABORATIVELY TO PURSUE, ON A PRIORITY BASIS, THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Souki and Waters, for the Committee on Transportation and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1713-06) recommending that H.C.R. No. 266, 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. 266, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF TRANSPORTATION TO WORK COLLABORATIVELY TO PURSUE, ON A PRIORITY BASIS, THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1714-06) recommending that H.R. No. 156, 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. 156, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HAWAIIAN HOME LANDS, OFFICE OF HAWAIIAN AFFAIRS, UNITED STATES ARMED FORCES IN HAWAII, AND THE COUNTIES TO STUDY THE USE OF TRAILER PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1715-06) recommending that H.C.R. No. 202, 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. 202, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HAWAIIAN HOME LANDS, OFFICE OF HAWAIIAN AFFAIRS, UNITED STATES ARMED FORCES IN HAWAII, AND THE COUNTIES TO STUDY THE USE OF TRAILER PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources

presented a report (Stand. Com. Rep. No. 1716-06) recommending that H.R. No. 228, 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. 228, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF THE STATE DEVELOPING AND OPERATING MANUFACTURED-HOUSING PARKS TO HELP ALLEVIATE HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1717-06) 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 Committees was adopted and H.C.R. No. 293, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF THE STATE DEVELOPING AND OPERATING MANUFACTURED-HOUSING PARKS TO HELP ALLEVIATE HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1718-06) recommending that H.R. No. 109, 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. 109, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PROVIDE A DEFINITIVE LEGAL OPINION REGARDING WHETHER CHAPTERS 383, 386, 392, AND 393 HAWAII REVISED STATUTES, EACH EXCLUDE FROM THE DEFINITION OF "EMPLOYMENT" THOSE INDIVIDUALS WHO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED UNDER THE SOCIAL SECURITY ACT, AS AMENDED, IN THE EMPLOY OF PERSONS, INCLUDING CORPORATIONS AND PRIVATE AGENCIES, WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND WHO ARE THE RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1719-06) recommending that H.C.R. No. 147, 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. 147, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PROVIDE A DEFINITIVE LEGAL OPINION REGARDING WHETHER CHAPTERS 383, 386, 392, AND 393 HAWAII REVISED STATUTES, EACH EXCLUDE FROM THE DEFINITION OF "EMPLOYMENT" THOSE INDIVIDUALS WHO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED UNDER THE SOCIAL SECURITY ACT, AS AMENDED, IN THE EMPLOY OF PERSONS, INCLUDING CORPORATIONS AND PRIVATE AGENCIES, WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND WHO ARE THE RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1720-06) recommending that H.R. No. 90, 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. 90, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1721-06) recommending that H.C.R. No. 123, 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, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1722-06) recommending that H.R. No. 95, 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. 95, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO CONDUCT A SECURITY AUDIT OF THE HAWAII YOUTH CORRECTIONAL FACILITY," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1723-06) recommending that H.C.R. No. 130, 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. 130, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO CONDUCT A SECURITY AUDIT OF THE HAWAII YOUTH CORRECTIONAL FACILITY," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Hale and Chang, for the Committee on International Affairs and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1724-06) recommending that S.C.R. No. 83, 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. 83, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF A CULTURAL EXCHANGE BETWEEN THE PEOPLE OF HAWAII AND THE ISLAND OF RA'IA TEA AND REQUESTING KE ALA 'OLINO NATIVE CULTURAL CENTER TO CONVENE A TASK FORCE TO HELP FACILITATE A CULTURAL EXCHANGE," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I'm really happy to announce that the combined Easter Basket Drive produced 306 Easter baskets filled with helpful items for the Women's Shelter at IHS. And I would like to thank everyone for participating, both House and Senate side.

"I'd particularly like to thank the Sergeant-at-Arms' Office. They did an outstanding job. They had just a huge array of baskets filled with very, very useful items for the Women's Shelter. They also helped a great deal with getting the van loaded two times. They had to take two trips because there were so many items. So a big thank you to the Sergeant-at-Arms Office and to everyone else that participated. And the next Easter Basket Drive is only 263 days off, so if people could be ready for that. Thank you."

Representative Karamatsu, for the Committee on Economic Development & Business Concerns and the Committee on International Affairs requested a waiver of the 48-hour advance notice requirement to hear H.R. No. 214 and H.C.R. No. 277, Encouraging the Legislature, the Administration, the University of Hawaii, and Hawaii's Congressional Delegation to Work Collaboratively with the National Aeronautics and Space Administration, the Japan Aerospace Exploration Agency, and Other Public and Private Aerospace-Related Agencies and Institutions, to Expand and Diversify the Aerospace Industry through the Development of the Pacific International Space Center for Exploration System, tomorrow at 9:00 a.m. in Conference Room 325, and the Chair "so ordered."

Representative Karamatsu: "I'd like to make a second announcement. Tomorrow, we have a drive to collect clothes, stuffed animals and coffee mugs for the sex abuse treatment center. They are going to use it for their clients. We will also have honorary co-chair, Brittany Perrineau. She's the advocate of sex abuse and domestic violence, and the wife of *Lost* actor Harold Perrineau. He will also be there, and Daniel Dae Kim will be there. So we look forward to that and encourage everyone to participate. Thank you."

Representative Shimabukuro: "Mr. Speaker, the Rural Caucus will be having a meeting tomorrow morning. And the topic will be important agricultural lands and rural coastal zone management. Speakers are Laura Thielen from Office of Planning, Anthony Ching from the Land Use Commission, and Alan Takemoto from the Farm Bureau. We'll have a continental breakfast. All are welcome. This will be 9 o'clock in the morning tomorrow in Room 212. Thank you."

Representative Kahikina: Thank you, Mr. Speaker. On behalf of your Committee on Housing, I'd like invite my colleagues to this information briefing tomorrow at 9 a.m. in Room 329. And the topic is how to build affordable homes in Hawaii. And I want to invite all of you to come and participate. It will be televised on 'Olelo. Thank you."

ADJOURNMENT

At 3:54 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 13, 2006. (Representatives Nakasone and Stonebraker were excused.)

HOUSE COMMUNICATIONS

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

April 11, 2006

The Honorable Linda Lingle

Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

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 Bills, copies of which are attached hereto:

S.B. No. 2246, SD 1, H.D. 2, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE I OF THE
CONSTITUTION OF THE STATE OF HAWAII RELATING TO
SEXUAL ASSAULT."

S.B. No. 2571, H.D. 1, entitled:

"PROPOSING AMENDMENTS TO THE HAWAII STATE
CONSTITUTION RELATING TO SPECIAL PURPOSE
REVENUE BONDS."

Said measures passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,
/s/Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

FORTY-EIGHTH DAY

Thursday, April 13, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:14 o'clock p.m., with the Speaker presiding.

Representative Bev Harbin introduced Pastor Fili Tualualelei, Mr. Tom Lail, Master Brennan Javonillo-Lauro and Master Matthew Wong, who then delivered the invocation in song, after which the Roll was called showing all members present with the exception of Representatives Kahikina and Takamine, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth and Thirty-Seventh Days were approved. (Representatives Kahikina and Takamine were excused.)

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 499 through 680) were received and announced by the Clerk:

Sen. Com. No. 499, dated April 11, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 427, SD 1, HD 1	S.B. No. 2599, HD 1
S.B. No. 695, HD 1	S.B. No. 2607, SD 1, HD 1
S.B. No. 951, SD 2, HD 1	S.B. No. 2609, SD 1, HD 1
S.B. No. 995, SD 1, HD 1	S.B. No. 2617, SD 2, HD 1
S.B. No. 2006, SD 3, HD 2	S.B. No. 2667, SD 2, HD 1
S.B. No. 2063, HD 1	S.B. No. 2687, HD 1
S.B. No. 2213, SD 2, HD 2	S.B. No. 2753, SD 1, HD 2
S.B. No. 2237, SD 1, HD 1	S.B. No. 2762, SD 1, HD 1
S.B. No. 2243, SD 1, HD 1	S.B. No. 2773, SD 3, HD 2
S.B. No. 2244, SD 1, HD 1	S.B. No. 2901, HD 1
S.B. No. 2274, SD 1, HD 2	S.B. No. 2930, SD 1, HD 1
S.B. No. 2328, SD 2, HD 2	S.B. No. 2986, SD 2, HD 2
S.B. No. 2358, SD 2, HD 2	S.B. No. 3003, SD 2, HD 2
S.B. No. 2360, SD 2, HD 1	S.B. No. 3037, SD 2, HD 2
S.B. No. 2382, SD 2, HD 1	S.B. No. 3051, SD 2, HD 1
S.B. No. 2454, SD 1, HD 2	S.B. No. 3054, SD 2, HD 2
S.B. No. 2462, SD 1, HD 1	S.B. No. 3072, SD 1, HD 2
S.B. No. 2476, SD 2, HD 3	S.B. No. 3084, SD 2, HD 3
S.B. No. 2487, HD 1	S.B. No. 3111, SD 1, HD 1
S.B. No. 2550, SD 2, HD 1	S.B. No. 3197, SD 2, HD 1
S.B. No. 2597, HD 1	S.B. No. 3254, SD 2, HD 2

Sen. Com. No. 500, transmitting S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS OF PROPOSED REGULATORY MEASURES REQUIRING PROFESSIONAL LICENSURE OF GENETIC COUNSELORS," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 501, transmitting S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO RESEARCH AVENUES OF APPROPRIATE FINANCING FOR CAPITAL IMPROVEMENTS FOR FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING USE OF

REVOLVING LOAN FUNDS," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 502, transmitting S.C.R. No. 120, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 503, transmitting S.C.R. No. 144, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A LONG-TERM CARE INFRASTRUCTURE PLAN FOR HAWAII TO ENSURE PUBLIC SAFETY WHILE SUPPORTING AGING IN PLACE," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 504, transmitting H.B. No. 1242, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 453-16, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 505, transmitting H.B. No. 1819, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 506, transmitting H.B. No. 1920, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 507, transmitting H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 508, transmitting H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 509, transmitting H.B. No. 2287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 510, transmitting H.B. No. 2303, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 511, transmitting H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 512, transmitting H.B. No. 2311, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 513, transmitting H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 514, transmitting H.B. No. 2331, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 515, transmitting H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 516, transmitting H.B. No. 2476, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 517, transmitting H.B. No. 2857, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 518, transmitting H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 519, transmitting H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 520, transmitting H.B. No. 3254, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 521, transmitting H.B. No. 1, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 522, transmitting H.B. No. 30, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 523, transmitting H.B. No. 173, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 524, transmitting H.B. No. 237, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 525, transmitting H.B. No. 266, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 526, transmitting H.B. No. 439, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 527, transmitting H.B. No. 487, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 528, transmitting H.B. No. 970, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY

RELIEF FOR NATURAL DISASTERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 529, transmitting H.B. No. 1021, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 530, transmitting H.B. No. 1033, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 531, transmitting H.B. No. 1155, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 532, transmitting H.B. No. 1448, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDIT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 533, transmitting H.B. No. 1466, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 534, transmitting H.B. No. 1706, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 535, transmitting H.B. No. 1723, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 536, transmitting H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 537, transmitting H.B. No. 1809, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 538, transmitting H.B. No. 1821, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 539, transmitting H.B. No. 1825, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 540, transmitting H.B. No. 1833, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 541, transmitting H.B. No. 1843, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL AGRICULTURE EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 542, transmitting H.B. No. 1861, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 543, transmitting H.B. No. 1862, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 544, transmitting H.B. No. 1865, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 545, transmitting H.B. No. 1866, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 546, transmitting H.B. No. 1867, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 547, transmitting H.B. No. 1871, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 548, transmitting H.B. No. 1879, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 549, transmitting H.B. No. 1880, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 550, transmitting H.B. No. 1889, H.D. 1, 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 11, 2006.

Sen. Com. No. 551, transmitting H.B. No. 1890, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 552, transmitting H.B. No. 1891, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 553, transmitting H.B. No. 1899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 554, transmitting H.B. No. 1900, 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 11, 2006.

Sen. Com. No. 555, transmitting H.B. No. 1917, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 556, transmitting H.B. No. 1918, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 557, transmitting H.B. No. 1922, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 558, transmitting H.B. No. 1923, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 559, transmitting H.B. No. 1928, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 560, transmitting H.B. No. 1947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 561, transmitting H.B. No. 1948, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 562, transmitting H.B. No. 1955, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 563, transmitting H.B. No. 1977, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 564, transmitting H.B. No. 1995, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 565, transmitting H.B. No. 2039, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 566, transmitting H.B. No. 2045, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 567, transmitting H.B. No. 2050, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 568, transmitting H.B. No. 2051, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 569, transmitting H.B. No. 2075, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 570, transmitting H.B. No. 2097, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 571, transmitting H.B. No. 2109, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 572, transmitting H.B. No. 2133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 573, transmitting H.B. No. 2145, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 574, transmitting H.B. No. 2146, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 575, transmitting H.B. No. 2153, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 576, transmitting H.B. No. 2175, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 577, transmitting H.B. No. 2176, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 578, transmitting H.B. No. 2179, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 579, transmitting H.B. No. 2182, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 580, transmitting H.B. No. 2183, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 581, transmitting H.B. No. 2187, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 582, transmitting H.B. No. 2192, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 583, transmitting H.B. No. 2199, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 584, transmitting H.B. No. 2204, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 585, transmitting H.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 586, transmitting H.B. No. 2211, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 587, transmitting H.B. No. 2214, 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 11, 2006.

Sen. Com. No. 588, transmitting H.B. No. 2239, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 589, transmitting H.B. No. 2258, 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 11, 2006.

Sen. Com. No. 590, transmitting H.B. No. 2265, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 591, transmitting H.B. No. 2271, 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 11, 2006.

Sen. Com. No. 592, transmitting H.B. No. 2273, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 593, transmitting H.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 594, transmitting H.B. No. 2277, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 595, transmitting H.B. No. 2278, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 596, transmitting H.B. No. 2315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 597, transmitting H.B. No. 2319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 598, transmitting H.B. No. 2343, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 599, transmitting H.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 600, transmitting H.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 601, transmitting H.B. No. 2367, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 602, transmitting H.B. No. 2399, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 603, transmitting H.B. No. 2410, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 604, transmitting H.B. No. 2412, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 605, transmitting H.B. No. 2422, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 606, transmitting H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 607, transmitting H.B. No. 2440, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 608, transmitting H.B. No. 2454, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 609, transmitting H.B. No. 2457, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 610, transmitting H.B. No. 2500, 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 11, 2006.

Sen. Com. No. 611, transmitting H.B. No. 2535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 612, transmitting H.B. No. 2540, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 613, transmitting H.B. No. 2555, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 614, transmitting H.B. No. 2558, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 615, transmitting H.B. No. 2587, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARINE RESOURCES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 616, transmitting H.B. No. 2595, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 617, transmitting H.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 618, transmitting H.B. No. 2625, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM STATE LAWS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 619, transmitting H.B. No. 2626, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 620, transmitting H.B. No. 2637, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 621, transmitting H.B. No. 2639, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 622, transmitting H.B. No. 2641, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 623, transmitting H.B. No. 2669, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 624, transmitting H.B. No. 2678, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 625, transmitting H.B. No. 2692, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 626, transmitting H.B. No. 2708, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 627, transmitting H.B. No. 2713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 628, transmitting H.B. No. 2715, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 629, transmitting H.B. No. 2737, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 630, transmitting H.B. No. 2747, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 631, transmitting H.B. No. 2763, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 632, transmitting H.B. No. 2771, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AGRICULTURAL PARK IN ROYAL KUNIA," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 633, transmitting H.B. No. 2772, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 634, transmitting H.B. No. 2774, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 635, transmitting H.B. No. 2778, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 636, transmitting H.B. No. 2796, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 637, transmitting H.B. No. 2805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 638, transmitting H.B. No. 2806, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 639, transmitting H.B. No. 2836, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION SECURITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 640, transmitting H.B. No. 2848, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 641, transmitting H.B. No. 2878, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 642, transmitting H.B. No. 2925, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 643, transmitting H.B. No. 2947, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 644, transmitting H.B. No. 2950, 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 11, 2006.

Sen. Com. No. 645, transmitting H.B. No. 2952, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 646, transmitting H.B. No. 2961, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 647, transmitting H.B. No. 2964, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 648, transmitting H.B. No. 2966, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 649, transmitting H.B. No. 2974, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 650, transmitting H.B. No. 2987, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 651, transmitting H.B. No. 2991, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 652, transmitting H.B. No. 3018, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 653, transmitting H.B. No. 3036, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 654, transmitting H.B. No. 3037, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 655, transmitting H.B. No. 3056, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 656, transmitting H.B. No. 3060, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 657, transmitting H.B. No. 3067, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 658, transmitting H.B. No. 3087, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 659, transmitting H.B. No. 3100, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 660, transmitting H.B. No. 3105, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 661, transmitting H.B. No. 3115, 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 11, 2006.

Sen. Com. No. 662, transmitting H.B. No. 3116, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 663, transmitting H.B. No. 3118, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 664, transmitting H.B. No. 3121, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 665, transmitting H.B. No. 3123, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HURRICANE PREPAREDNESS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 666, transmitting H.B. No. 3142, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 667, transmitting H.B. No. 3194, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 668, transmitting H.B. No. 3217, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 669, transmitting H.B. No. 3225, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 670, transmitting H.B. No. 3235, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 671, transmitting H.B. No. 3237, 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 11, 2006.

Sen. Com. No. 672, transmitting H.B. No. 3244, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 673, transmitting H.B. No. 3257, 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 11, 2006.

Sen. Com. No. 674, transmitting H.B. No. 3259, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 675, transmitting H.B. No. 3261, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 676, dated April 11, 2006, 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. 2479, HD 1
Chair: Kokubun
Co-Chair: Hanabusa
Member: Hemmings

S.B. No. 2984, SD 1, HD 1
Chair: Kokubun
Co-Chairs: Hanabusa, Taniguchi
Member: Hemmings

S.B. No. 3049, SD 1, HD 1
Chair: Kokubun
Co-Chair: Baker
Member: Whalen

Sen. Com. No. 677, dated April 11, 2006, 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. 2780, HD 1, SD 1
Chair: Hanabusa
Members: Hee, Whalen

H.B. No. 3101, HD 1, SD 1
Chair: Hanabusa
Members: English, Hee, Whalen

H.B. No. 3242, SD 1
Chair: Hanabusa
Members: Chun Oakland, Whalen

H.B. No. 3256, HD 1, SD 1
Chair: Hanabusa
Members: Hee, Whalen

Sen. Com. No. 678, transmitting H.B. No. 1935, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," which passed Third Reading in the Senate on April 13, 2006.

Sen. Com. No. 679, transmitting H.B. No. 2043, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on April 13, 2006.

Sen. Com. No. 680, transmitting H.B. No. 2419, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 13, 2006.

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 Kahikina, Nakasone and Takamine were excused.)

H.B. No. 1, H.D. 2, S.D. 1	H.B. No. 2343, H.D. 1, S.D. 2
H.B. No. 30, H.D. 1, S.D. 2	H.B. No. 2346, S.D. 1
H.B. No. 173, H.D. 1, S.D. 1	H.B. No. 2347, S.D. 1
H.B. No. 237, H.D. 3, S.D. 1	H.B. No. 2367, H.D. 1, S.D. 1
H.B. No. 266, H.D. 1, S.D. 2	H.B. No. 2399, H.D. 2, S.D. 1
H.B. No. 439, H.D. 1, S.D. 2	H.B. No. 2410, H.D. 1, S.D. 2
H.B. No. 487, H.D. 1, S.D. 3	H.B. No. 2412, H.D. 1, S.D. 1
H.B. No. 970, H.D. 1, S.D. 1	H.B. No. 2419, H.D. 1, S.D. 3
H.B. No. 1021, H.D. 2, S.D. 2	H.B. No. 2422, H.D. 1, S.D. 2
H.B. No. 1033, H.D. 1, S.D. 2	H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 1155, H.D. 1, S.D. 2	H.B. No. 2440, H.D. 2, S.D. 2
H.B. No. 1448, H.D. 2, S.D. 1	H.B. No. 2454, H.D. 1, S.D. 2
H.B. No. 1466, H.D. 1, S.D. 2	H.B. No. 2457, H.D. 1, S.D. 1
H.B. No. 1706, H.D. 3, S.D. 1	H.B. No. 2500, H.D. 2, S.D. 2
H.B. No. 1723, H.D. 2, S.D. 2	H.B. No. 2535, S.D. 2
H.B. No. 1800, H.D. 1, S.D. 1	H.B. No. 2540, H.D. 2, S.D. 2
H.B. No. 1809, H.D. 2, S.D. 2	H.B. No. 2555, H.D. 2, S.D. 2
H.B. No. 1821, H.D. 2, S.D. 2	H.B. No. 2558, H.D. 1, S.D. 2
H.B. No. 1825, H.D. 1, S.D. 2	H.B. No. 2587, H.D. 2, S.D. 2
H.B. No. 1833, H.D. 1, S.D. 2	H.B. No. 2595, H.D. 1, S.D. 2

H.B. No. 1843, H.D. 1, S.D. 2	H.B. No. 2619, S.D. 1	31,	Committee on Consumer Protection & Commerce,
H.B. No. 1861, S.D. 1	H.B. No. 2625, H.D. 1, S.D. 2	SD1	then to the Committee on Finance
H.B. No. 1862, H.D. 2, S.D. 2	H.B. No. 2626, S.D. 1		
H.B. No. 1865, H.D. 1, S.D. 2	H.B. No. 2637, H.D. 1, S.D. 2	118,	Committee on Health
H.B. No. 1866, H.D. 1, S.D. 2	H.B. No. 2639, H.D. 2, S.D. 2	SD1	
H.B. No. 1867, H.D. 1, S.D. 2	H.B. No. 2641, H.D. 1, S.D. 2		
H.B. No. 1871, H.D. 1, S.D. 2	H.B. No. 2669, H.D. 1, S.D. 2	120	Committee on Housing
H.B. No. 1879, H.D. 1, S.D. 1	H.B. No. 2678, H.D. 2, S.D. 2		
H.B. No. 1880, H.D. 2, S.D. 2	H.B. No. 2692, H.D. 1, S.D. 1	144,	Jointly to the Committee on Human Services and the
H.B. No. 1889, H.D. 1, S.D. 2	H.B. No. 2708, H.D. 2, S.D. 2	SD1	Committee on Health
H.B. No. 1890, H.D. 1, S.D. 2	H.B. No. 2713, H.D. 1, S.D. 1		
H.B. No. 1891, H.D. 2, S.D. 2	H.B. No. 2715, H.D. 1, S.D. 2		
H.B. No. 1899, H.D. 1, S.D. 1	H.B. No. 2737, H.D. 1, S.D. 1		
H.B. No. 1900, H.D. 1, S.D. 1	H.B. No. 2747, H.D. 2, S.D. 1		
H.B. No. 1917, H.D. 2, S.D. 2	H.B. No. 2763, H.D. 1, S.D. 2		
H.B. No. 1918, H.D. 1, S.D. 2	H.B. No. 2771, H.D. 2, S.D. 1		
H.B. No. 1922, H.D. 1, S.D. 2	H.B. No. 2772, H.D. 1, S.D. 2		
H.B. No. 1923, H.D. 1, S.D. 2	H.B. No. 2774, H.D. 1, S.D. 2		
H.B. No. 1928, H.D. 2, S.D. 2	H.B. No. 2778, H.D. 2, S.D. 2		
H.B. No. 1935, H.D. 1, S.D. 1	H.B. No. 2796, H.D. 1, S.D. 1		
H.B. No. 1947, S.D. 1	H.B. No. 2805, S.D. 1	3018,	Committee on Labor & Public Employment, then to
H.B. No. 1948, H.D. 2, S.D. 2	H.B. No. 2806, H.D. 1, S.D. 2	HDI,	the Committee on Judiciary, then to the Committee on
H.B. No. 1955, H.D. 1, S.D. 1	H.B. No. 2836, H.D. 1, S.D. 2	SD1	Finance
H.B. No. 1977, H.D. 1, S.D. 2	H.B. No. 2848, H.D. 2, S.D. 2		
H.B. No. 1995, H.D. 1, S.D. 2	H.B. No. 2878, H.D. 1, S.D. 1		
H.B. No. 2039, H.D. 2, S.D. 2	H.B. No. 2925, H.D. 1, S.D. 2		
H.B. No. 2043, H.D. 2, S.D. 3	H.B. No. 2947, H.D. 2, S.D. 2		
H.B. No. 2045, H.D. 2, S.D. 1	H.B. No. 2950, S.D. 2		
H.B. No. 2050, H.D. 2, S.D. 1	H.B. No. 2952, H.D. 1, S.D. 2		
H.B. No. 2051, H.D. 1, S.D. 2	H.B. No. 2961, H.D. 1, S.D. 1		
H.B. No. 2075, H.D. 1, S.D. 2	H.B. No. 2964, H.D. 1, S.D. 2		
H.B. No. 2097, H.D. 2, S.D. 2	H.B. No. 2966, H.D. 2, S.D. 2		
H.B. No. 2109, H.D. 1, S.D. 2	H.B. No. 2974, S.D. 1		
H.B. No. 2133, S.D. 1	H.B. No. 2987, H.D. 1, S.D. 2		
H.B. No. 2145, H.D. 2, S.D. 1	H.B. No. 2991, H.D. 2, S.D. 2		
H.B. No. 2146, H.D. 1, S.D. 1	H.B. No. 3018, H.D. 1, S.D. 1		
H.B. No. 2153, H.D. 2, S.D. 2	H.B. No. 3036, H.D. 1, S.D. 2		
H.B. No. 2175, H.D. 2, S.D. 2	H.B. No. 3037, H.D. 1, S.D. 1		
H.B. No. 2176, H.D. 2, S.D. 2	H.B. No. 3056, H.D. 2, S.D. 2		
H.B. No. 2179, H.D. 2, S.D. 2	H.B. No. 3060, H.D. 1, S.D. 2		
H.B. No. 2182, H.D. 1, S.D. 2	H.B. No. 3067, H.D. 2, S.D. 2		
H.B. No. 2183, H.D. 1, S.D. 1	H.B. No. 3087, H.D. 2, S.D. 2		
H.B. No. 2187, H.D. 2, S.D. 2	H.B. No. 3100, H.D. 1, S.D. 1		
H.B. No. 2192, H.D. 2, S.D. 2	H.B. No. 3105, H.D. 2, S.D. 2		
H.B. No. 2199, H.D. 2, S.D. 1	H.B. No. 3115, H.D. 2, S.D. 2		
H.B. No. 2204, H.D. 2, S.D. 2	H.B. No. 3116, H.D. 2, S.D. 2		
H.B. No. 2210, S.D. 1	H.B. No. 3118, H.D. 1, S.D. 1		
H.B. No. 2211, H.D. 1, S.D. 1	H.B. No. 3121, H.D. 2, S.D. 1		
H.B. No. 2214, H.D. 1, S.D. 2	H.B. No. 3123, H.D. 1, S.D. 1		
H.B. No. 2239, H.D. 1, S.D. 2	H.B. No. 3142, H.D. 2, S.D. 2		
H.B. No. 2258, H.D. 1, S.D. 2	H.B. No. 3194, H.D. 1, S.D. 1		
H.B. No. 2265, H.D. 2, S.D. 1	H.B. No. 3217, H.D. 1, S.D. 1		
H.B. No. 2271, H.D. 1, S.D. 2	H.B. No. 3225, H.D. 1, S.D. 1		
H.B. No. 2273, S.D. 1	H.B. No. 3235, H.D. 1, S.D. 1	12,	Committee on Public Safety & Military Affairs
H.B. No. 2275, S.D. 1	H.B. No. 3237, H.D. 2, S.D. 2	SD1	
H.B. No. 2277, H.D. 2, S.D. 2	H.B. No. 3244, H.D. 1, S.D. 2		
H.B. No. 2278, H.D. 1, S.D. 2	H.B. No. 3257, H.D. 1, S.D. 2		
H.B. No. 2315, S.D. 2	H.B. No. 3259, H.D. 1, S.D. 2		
H.B. No. 2319, H.D. 1, S.D. 1	H.B. No. 3261, H.D. 1, S.D. 2		

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

S.C.R.
Nos. **Referred to:**

COMMITTEE REASSIGNMENT

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

H.B.
No. **Re-referred to:**

3018, Committee on Labor & Public Employment, then to
HDI, the Committee on Judiciary, then to the Committee on
SD1 Finance

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

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

193, Jointly to the Committee on Agriculture and the
HDI Committee on Economic Development & Business
 Concerns

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

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

147, Jointly to the Committee on Agriculture and the
HDI Committee on Economic Development & Business
 Concerns

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

S.C.R.
No. **Re-referred to:**

12, Committee on Public Safety & Military Affairs
SD1

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, please note that H.R. No. 147, HD 1, and H.C.R. No. 193, HD 1 were re-referred solely to the Committees on Agriculture and Economic Development and Business Concerns per Committee Referral Sheet No. 54 which was placed on your desks today. The Committee on Higher Education waived its referral to these measures and therefore it is appropriate for the House to consider action for adoption."

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. 193, HD 1. (Representatives Kahikina, Nakasone 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. 1438-06, in referring H.R. No. 147, HD 1; and Standing Committee Report No. 1439-06, in referring H.C.R. No. 193, HD 1, to the Committee on Higher Education, seconded by Representative B. Oshiro, and carried. (Representatives Kahikina, Nakasone and Takamine were excused.)

ADOPTIONS

H.R. No. 147, HD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was adopted, with Representatives Kahikina, Nakasone and Takamine being excused.

H.C.R. No. 193, HD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 193, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was adopted, with Representatives Kahikina, Nakasone and Takamine being excused.

STANDING COMMITTEE REPORTS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1725-06) recommending that H.R. No. 190, 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. 190, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1726-06) recommending that H.C.R. No. 250, 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. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1727-06) recommending that H.R. No. 80, 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. 80, HD 1, entitled: "HOUSE RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT AND DEPARTMENT OF PUBLIC SAFETY SHERIFFS TO CHECK VEHICLE STATUS PRIOR TO TOWING TO ENSURE TOWING FEES OF STOLEN VEHICLES WILL NOT BE PASSED ON TO THE VICTIMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1728-06) recommending that H.C.R. No. 108, 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. 108, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT AND DEPARTMENT OF PUBLIC SAFETY SHERIFFS TO CHECK VEHICLE STATUS PRIOR TO TOWING TO ENSURE TOWING FEES OF STOLEN VEHICLES WILL NOT BE PASSED ON TO THE VICTIMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1729-06) 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 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE CERTIFICATION OF NURSE AIDES WHO WORK IN SETTINGS OTHER THAN MEDICARE- OR MEDICAID-CERTIFIED NURSING FACILITIES AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RESCIND ITS DECISION TO END CERTIFICATION OF THESE NURSE AIDES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1730-06) recommending that H.R. No. 120, 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. 120, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT H.R. NO. 3468 TO CONTROL THE INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1731-06) recommending that H.C.R. No. 160, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT H.R. NO. 3468 TO CONTROL THE INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1732-06)

recommending that H.C.R. No. 278, 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. 278, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF LAND AND NATURAL RESOURCES, CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY, QUEEN EMMA FOUNDATION, AND KAMEHAMEHA SCHOOLS TO SUPPORT THE ESTABLISHMENT OF A CULTURAL PRESERVE IN HA'IKU VALLEY AND NORTH HALAWA VALLEY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Arakaki, for the Committee on Water, Land, & Ocean Resources and the Committee on Health presented a report (Stand. Com. Rep. No. 1733-06) recommending that H.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 Committees was adopted and H.R. No. 207, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ALL PUBLIC AGENCIES THAT PROVIDE POTABLE WATER TO THE PUBLIC TO PROVIDE PRIOR NOTICE OF ANY ADDITIVES TO THE WATER OR ANY DISTRIBUTION SYSTEM OR TRANSMISSION LINE MAINTENANCE OR IMPROVEMENTS TO THE DEPARTMENT OF HEALTH," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Arakaki, for the Committee on Water, Land, & Ocean Resources and the Committee on Health presented a report (Stand. Com. Rep. No. 1734-06) recommending that H.C.R. No. 267, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 267, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL PUBLIC AGENCIES THAT PROVIDE POTABLE WATER TO THE PUBLIC TO PROVIDE PRIOR NOTICE OF ANY ADDITIVES TO THE WATER OR ANY DISTRIBUTION SYSTEM OR TRANSMISSION LINE MAINTENANCE OR IMPROVEMENTS TO THE DEPARTMENT OF HEALTH," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1735-06) recommending that H.R. No. 234, 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. 234, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A LAND USE WORKING GROUP TO ADDRESS ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1736-06) recommending that H.C.R. No. 300, 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. 300, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A LAND USE

WORKING GROUP TO ADDRESS ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented two reports:

(Stand. Com. Rep. No. 1737-06) recommending that H.R. No. 160, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1738-06) recommending that H.C.R. No. 212, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 160, HD 1, and H.C.R. No. 212, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I would like to rise in favor of Stand. Com. Report 1737 and 1738. I simply bring this up because many of the younger Members of this House may not recall the historic pineapple-shaped water tank, which stood as a landmark next to the Dole Cannery in Iwilei. It was taken down in 1993 and one of these days it would be nice to see it go back up again or another one just like it against the Honolulu skyline. I believe it should stand as a tribute to the many workers who toiled in the fields, and those who worked in the Cannery, and the many students who spent summers there making money. One of these days we'll see it up again. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 160, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIR OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE TO DESIGNATE A MEMBER OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE TO CONDUCT INFORMAL DISCUSSIONS ON WAYS TO REPLICATE THE HISTORIC IWILEI PINEAPPLE-SHAPED WATER TANK," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 212, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIR OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE AND THE CHAIR OF THE SENATE COMMITTEE ON TOURISM TO EACH DESIGNATE A MEMBER OF THEIR RESPECTIVE COMMITTEES TO CONDUCT INFORMAL DISCUSSIONS ON WAYS TO REPLICATE THE HISTORIC IWILEI PINEAPPLE-SHAPED WATER TANK," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1739-06) recommending that H.C.R. No. 92, 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. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT E2 AND E3 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1740-06) recommending that H.C.R. No. 156, 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. 156, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG OPPOSITION TO PREEMPTIVE FEDERAL INSURANCE LEGISLATION THAT WOULD THREATEN THE POWER OF STATE LEGISLATURES, GOVERNORS, INSURANCE COMMISSIONERS, AND ATTORNEYS GENERAL TO OVERSEE, REGULATE, AND INVESTIGATE THE BUSINESS OF INSURANCE AND PROTECT CONSUMERS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1741-06) recommending that H.R. No. 216, 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. 216, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE IMPACT OF HAZARDOUS SUBSTANCES IN FERTILIZERS, ANIMAL FEED, SOIL AMENDMENTS, AGRICULTURAL MINERALS, AUXILIARY SOIL, AND PLANT SUBSTANCES ON THE HEALTH AND SAFETY OF CONSUMERS, FARMERS, AND THE GENERAL PUBLIC," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1742-06) recommending that H.R. No. 130, 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. 130, HD 1, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO REQUEST THE DEPARTMENT OF EDUCATION TO DEVELOP PLANS TO INTEGRATE CREATIVE APPROACHES FOR SERVICE LEARNING AND COMMUNITY SERVICE IN THE REQUIREMENTS FOR EACH STUDENT TO GRADUATE FROM HIGH SCHOOL," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1743-06) recommending that H.C.R. No. 171, 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. 171, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO REQUEST THE DEPARTMENT OF EDUCATION TO DEVELOP PLANS TO INTEGRATE CREATIVE APPROACHES FOR SERVICE LEARNING AND COMMUNITY SERVICE IN THE REQUIREMENTS FOR EACH STUDENT TO GRADUATE FROM HIGH SCHOOL," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1744-06) recommending that H.R. No. 243, 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. 243, HD 1, entitled: "HOUSE

RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO ENCOURAGE CURRENT PUBLIC SCHOOL PRINCIPALS, VICE PRINCIPALS, AND TEACHERS TO INTEGRATE HAWAIIAN LANGUAGE AND CULTURE INTO THE SCHOOLS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1745-06) recommending that H.C.R. No. 309, 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. 309, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO ENCOURAGE CURRENT PUBLIC SCHOOL PRINCIPALS, VICE PRINCIPALS, AND TEACHERS TO INTEGRATE HAWAIIAN LANGUAGE AND CULTURE INTO THE SCHOOLS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Karamatsu and Hale, for the Committee on Economic Development & Business Concerns and the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1746-06) recommending that H.R. No. 214, be adopted; and

(Stand. Com. Rep. No. 1747-06) recommending that H.C.R. No. 277, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 214 and H.C.R. No. 277, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of 1746 and 1747. Thank you. These Resolutions encourage the Legislature, the Administration, the University of Hawaii, and the Congressional delegation to work towards promoting the Aerospace Industry in Hawaii.

"I got involved with this as a ship agent when the company called Sea Launch was asking to bring their launch pad out to Hawaii just for refueling and reprovisioning. They would then take the ships and the rockets and launch down in the South Pacific around Christmas Island. Then later, right before the deadline for Resolutions, DBEDT had asked to introduce this Resolution. Along the same lines, there's a lot of opportunities for the astronauts, remote sensing equipment to be tested in various places throughout the island. UH-Hilo I believe is going to be their central location. I really would like to encourage my colleagues to support this. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 214, entitled: "HOUSE RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1748-06) recommending that H.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 H.R. No. 63, entitled: "HOUSE RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1749-06) recommending that H.C.R. No. 83, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Waters and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1750-06) recommending that H.R. No. 231, 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. 231, entitled: "HOUSE RESOLUTION REQUESTING THAT SIGN LANGUAGE INSTRUCTION BE COORDINATED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Waters and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1751-06) recommending that H.C.R. No. 296, 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. 296, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT SIGN LANGUAGE INSTRUCTION BE COORDINATED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1752-06) recommending that H.R. No. 108, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1753-06) recommending that H.C.R. No. 145, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 108, HD 1, and H.C.R. No. 145, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to both measures. Mr. Speaker, I ask my colleagues, why are we here making laws, if in the future somebody would just say, 'Well, let's just forgive everybody who broke them.' It's the same thing we're asking for here. We're asking to legalize illegal immigrants. The words don't even make sense. So we're saying that anytime we pass a law, somebody can come along and say, 'Well, let's just forgive everybody who broke them. We didn't really mean it.'

"My grandparents came over here legally. They immigrated to the United States. It was long and hard. My wife and her family immigrated legally. It was long and it's hard, but they did it legally. They abided by the law.

"And there's a second portion of these measures, Mr. Speaker, that asks the federal and State Departments of Health to provide medical services to this population, that's the illegal immigrant population, in medical emergencies. I believe that's already done, Mr. Speaker. I don't know of anybody that's turned away, if they go into an emergency room. They're not asked first, where's your green card or where's your driver's license, etc. They're treated first. There may be a problem later when somebody tries to bill them and if the hospitals can't collect, they don't collect. And we know that. But they are treated medically first.

"So I think there's no need for this. In fact, I think it's a devastating bill, again for the State of Hawaii to say, we will take you, no matter if you obey the law or not. We can make it easier. We can say, 'Okay, let's urge them to review the visa process.' I'd go along with that. But let's not say if they come, make it legal, even though they broke the law getting here. Thank you."

Representative Finnegan rose in opposition to 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:

"A concern in this time of the terrorist threat is that it is reported that terrorists are able to get lost in the mass of humanity that streams across the northern and southern borders of the mainland United States. These persons who would gain legal status would be able to move about the country more freely.

"These Resolutions also seeks to provide illegal immigrants emergency medical care, but it is my understanding that any person requiring emergency medical treatment cannot have treatment denied whether they can pay or not no matter what their status might be. Some believe that cultural and language barriers keep illegal immigrants from seeking available emergency treatment.

"The unfairness issue is unsettling to me. Those who come illegally are rewarded, while many other families continue to wait for years for their kin to get the thumbs up.

"Mr. Speaker, I urge you not to adopt House Resolution No. 108, HD 1, and House Concurrent Resolution 145, HD 1."

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

"Mr. Speaker, I rise in support of these measures. Almost all of us in this room came through this process. We are, we came in as

immigrants, and these Resolutions are asking that the people who are considered illegal right now, that there should be a review process, an exclusion review process, and that we don't criminalize these so-called illegal immigrants.

"I believe that criminalizing them is a move defined to criminalize poverty. A lot of people that come into this country as immigrants because they're fleeing away from poverty. And like our forefathers, they came in for the reason to this country. And this country has become great, the way it is now because we all came as immigrants and we made this nation great.

"To reverse our process, Mr. Speaker, is to reverse our history. A lot of people come to this country because this is the land of liberty and there's hope for that future. We must all work together as citizens, children of God, to make brothers and sisters be as great as we are. Thank you Mr. Speaker."

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

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

"Just in opposition, Mr. Speaker. I do appreciate the words of the previous speaker because my family are also immigrants from many different countries. On the Filipino side, they worked on the plantation, but they all came here and they signed documents that made it legal. If we start changing the rules, and I understand this is a national debate and it pits immigrants against non-immigrants, but I think there needs to be some kind of a rule when you come to our country. I'd like to know who's coming, you know to my State. You know, are there people who've been criminalized in other states? Or are they just people who want to be American? And I think we need to have some kind of a process."

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

"Thank you, Mr. Speaker. I'm rising in opposition to these measures. I think there's been a lot of conversation on the problem with illegal immigrants in the last few months with Congress looking at various bills to try to come to some kind of resolution. I think it would be better if we had a Resolution that talked about looking at how the immigration laws could be changed to make it easier, not quite as arduous for people to become legal immigrants. And I think that's part of the problem. But as the Representative from Makakilo said, we cannot just with the stroke of a pen say the illegal are now legal.

"In this Resolution, we thought there is a clause that talks about political asylum, and I think here in Hawaii we do have a fairly large number of immigrants who are here because of political asylum, but that's a process and they are welcomed in because of that reason.

"I think some of the problems immigrants get into is because they don't do things in a timely manner. I don't think anybody wants to lock anybody up, but we cannot close our eyes to the fact that we have a very large problem in America. America has always had its arms wide open and welcomes people, but with the problems with terrorism, we have the huge border in Canada and the porous border in the south. Just making the illegal legal is not the way to handle this problem. Thank you Mr. Speaker."

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

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

"Thank you very much, Mr. Speaker. I'm standing with no position, I'll say. I'm in support with some reservations. The issue is

a national debate of course. What shall we do with the immigrants that came here that did not undergo the rigorous process of first applying for visas to come in? They are here nevertheless and there's a lot of them.

"America's hands, American's arms are wide open, as one previous speakers says is true, when we need them. Sometimes it's very convenient to have an illegal alien working in our farms, working in our homes as housekeepers, because indeed Mr. Speaker, it's cheaper. And we who consume these products that are manufactured, gathered, harvested, by illegal aliens benefit from this. As a society we must admit that we do in some way, indirectly are affected and benefit from the labors of illegal immigrants.

"But still, there are some who would say, 'Why won't they come in legally through the process?' These people asking these questions are obviously people that were born here and never been through the process. It is so hard to get into the United States today. If you are married to a national or a foreigner, it is hard and difficult to ensure that are able to come here.

"A personal experience is my marrying a national from Panama. My wife had to return home for two years before she was able to return here. It is even more difficult for some today.

"The issue also includes the problem that we have which is a term we say, 'national security'. Why are we proposing, why are laws being proposed today on a national level to legalize those that illegally here in the name of national security. It is obvious to some speakers and I point to the fact that they are here, we don't know who are, they could be very dangerous to us. Therefore this reasoning that says we should do it for our own sake, for national security, makes sense.

"We should have these illegal immigrants come out of the dungeons, come out of the closet, come out to the areas where they are being abused and mistreated. Bring them out into the open, into the public and you know give them a chance to tell us who they are. Give them a chance to be helped medically, and also legally, and also benefiting us at the same time. If we know who they are. We can check where they are from. We can check who they are associated with. We can ensure that we know where to find them in case there are any problems.

"Mr. Speaker, we probably should not solve this with this Resolution. We cannot allow the results of the second portion of it, which is requesting that federal and State Departments of Health provide medical services to this population in medical emergencies. Yes indeed they are being provided for in our emergency rooms. That is very difficult for our emergency rooms in hospitals, and it's very difficult for a health system. We cannot absorb the cost of these illegal immigrants. But if the federal and State departments were to allow them to obtain benefits, I tell you Mr. Speaker, we'll help the health centers that are currently treating them for free.

"So these are Resolutions. They have the force of only what ... I guess there is a force. Not the force of law, but it does has some force. It shows that the Legislature is concerned about this issue and through these Resolutions, we'll hope to solve those two things that are being presented in these Resolutions which is to, one, to try to find a resolution to try to legalize those illegal immigrants who are already here; and two, to see whether or not it is feasible for the federal and State government to legalize the medical services that are being given to these illegal immigrants. Before I close, Mr. Speaker, I just thought of one more point. Let me just reserve that for another time. Thank you very much."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, I wanted to some remarks that we're trying to change laws. If they read the Resolution, basically what we're doing is, in the

debate, and I believe we have a right to engage in this debate, it's actually Congress and the President looking at ways to make those who are illegal legal, because we want legal citizens. That's the goal. But if you look at the body of the Resolution, the Be it resolved purpose, we're asking that in their debate, we look at those who are being considered, the so-called undocumented aliens or illegal immigrants who are asking for compassion and understanding, that we don't split up families, that we provide health care.

"At the core of this argument is that we don't want to end up throwing people in jail, or you know sending them back to where they came from, not necessarily. But obviously it's a very sticky problem. But I think we as a State, as policymakers, we have a right, especially through Resolutions to express our feelings on this issue. And I believe we also has a right as a state that has a history of many immigrants coming to our State, to express our desire to see that this issue be handled with care and compassion. So that's basically what its asking for."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to these Resolutions. These Resolutions seek to legalize the status of illegal immigrants and requests the Federal and State Departments of Health to provide medical services to this population in medical emergencies. First, this measure invalidates our policy on immigration and is not fair to those who undertake the arduous process of obtaining citizenship. Our efforts to provide regularized avenues for obtaining citizenship for immigrants to our country are emblematic of the strength of our country's rule of law. Secondly, immigrants already have access to medical services in the State of Hawaii."

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

Representative M. Oshiro rose in support of both measures, stating:

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

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

Representative Takumi's written remarks are as follows:

"I rise in support of the measure. It's ironic that a previous speaker spoke about how we in the U.S. have always welcomed immigrants with "open arms." This is historical amnesia at best, and totally false at worst. Mr. Speaker, while on the East Coast it was the Statue of Liberty that proclaimed, "Give me your tired, your poor, your huddled masses yearning to breathe free," on the West Coast it was cries of the "Yellow Peril." This led to the first anti-immigration law, the Chinese Exclusion Act of 1882, which barred immigration from China. Later, the 1908 Gentlemen's Agreement had the same effect for Japanese immigration and then in 1934, the Tydings-McDuffie Act limited immigration from the Philippines to fifty people a year. The effect of these racist laws was to doom thousands of immigrant workers to lives of solitude with little opportunity to establish families.

"Furthermore, granting legal status to undocumented immigrants is nothing new. In 1986, the Simpson-Rodino bill known as the Immigration Reform and Control Act (IRCA) passed that enabled

thousands of migrant farm workers to establish legal status in this country.

"The current bipartisan effort in the Congress to address immigration is something we should support. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 108, HD 1, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND UNITED STATES CONGRESS TO LEGALIZE ILLEGAL IMMIGRANTS AND REQUESTING THE FEDERAL AND STATE DEPARTMENTS OF HEALTH TO PROVIDE MEDICAL SERVICES TO THIS POPULATION IN MEDICAL EMERGENCIES," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 145, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND UNITED STATES CONGRESS TO LEGALIZE ILLEGAL IMMIGRANTS AND REQUESTING THE FEDERAL AND STATE DEPARTMENTS OF HEALTH TO PROVIDE MEDICAL SERVICES TO THIS POPULATION IN MEDICAL EMERGENCIES," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1754-06) recommending that H.C.R. No. 36, 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. 36, HD 1, be adopted, 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.

"The bedbug problem in Hawaii is limited, but may be growing. With simple precautions and public education, Hawaii should be able to prevent any widespread bedbug infestations.

"The negative consequences of allowing the problem to go unaddressed could have significant effects on tourism. Bedbugs do not discriminate between residents and visitors. The same thing that makes Hawaii attractive to tourists – our climate and warm-hearted residents – are the same features that make us especially susceptible to bedbug infestation.

"Let's not let bedbugs become the next coqui frog. Let's address this problem while it is still small and manageable. I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 36, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONDUCT A PREVENTION AND EDUCATION CAMPAIGN ON THE INCREASING INCIDENCE OF BEDBUGS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1755-06) recommending that H.C.R. No. 106, 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. 106, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO CONDUCT A FEASIBILITY STUDY ON PREVENTING AN AVIAN INFLUENZA PANDEMIC," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1756-06) recommending that H.C.R. No. 113, 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. 113, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho, Kahikina and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1757-06) recommending that H.R. No. 238, 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. 238, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO REQUIRE ALL NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS BE EQUIPPED WITH WATER CONSERVATION DEVICES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho, Kahikina and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1758-06) recommending that H.C.R. No. 304, 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. 304, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO REQUIRE ALL NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS BE EQUIPPED WITH WATER CONSERVATION DEVICES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1759-06) recommending that H.C.R. No. 192, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 192, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you. Mr. Speaker, I'm rising to speak strongly against this Resolution. Thank you. Mr. Speaker, if we pass this Resolution, I have no doubt that attorney Bill McCorriston and his client Pflueger will be celebrating with champagne tonight because we will have

knocked out the most effective, the most aggressive attorney to pursue this matter.

"Mr. Speaker, there's been some allegations that because Attorney General Mark Bennett was a former partner with Bill McCorriston, Attorney General Mark Bennett cannot be impartial. Well, I think the lawyers in this Chamber know that that is not the case. They know that that former partnership does not mean that Attorney General Bennett would not pursue this case vigorously.

"He brought, Attorney General Bennett, brought up felony criminal charges against Pflueger. Over the Attorney General's objections, the judge let Pflueger plead no contest. Then Pflueger wanted to enter into a plea agreement, and the Attorney General Mark Bennett filed new charges pursuant to the plea agreement. And as a result, Mr. Speaker, Pflueger pled guilty to ten felonies and now has a criminal record for the rest of his life.

"He was sentenced to pay a \$500,000 fine, the largest environmental criminal crime assessed by State Court and collected in Hawaii's history. That's not the action of a man, of an attorney, that was ineffective or trying to change the case to protect Pflueger. That's the action of a brilliant, dedicated Attorney General who is probably the smartest Attorney General we have ever had the privilege to have serve this State of Hawaii.

"I'll tell you how attorney Bill McCorriston is looking at it. He's trying to influence people to say, 'Hey yeah, there's an appearance of an apparent conflict of interest.' And attorney Bill McCorriston, Pflueger's attorney goes on that, 'many people have expressed the opinion that Attorney General Bennett's interest is to blame everything on Mr. Pflueger and get the state off the hook,' McCorriston said. This is quoted from an *Advertiser* article in today's paper. And then he goes on about, 'the concentrated effort to establish a problem with the outflow unfortunately tends to reinforce that view. Whether the outflow had any substantive part in the dam's failure is a matter under study,' says McCorriston.

"Well, darn right it's under study. And darn right we want the best person representing the State in this matter. And darn right if Pflueger is responsible, Attorney General Bennett will go after him tooth and nail.

"I find that this is the most ... It started out as a questionable Resolution. I can't even understand how we would want to muzzle the person who will do the best job for this State, Mr. Speaker. Because without Bennett there, we run a risk of someone not having all of the tools at the Attorney General's grasp by nature of his office. We also run the very serious risk of the State being the only person left holding the bag, because McCorriston who wants to get rid of Attorney General Bennett because it's in McCorriston's best interest, it's in Pflueger's best interest. If McCorriston can get his client off, guess who pays? You, me, our constituents, all the taxpayers in the State. So why are we trying to go with less than the best in this case?

"I just can't understand it, Mr. Speaker. It is such a bad step that were this to go through, and were we to knock out the best Attorney General ..."

Representative Stevens rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you very much, Representative. Were we to go forward and knock out the very best in this case, Attorney General Bennett, then it is going to be very, very costly for this State if McCorriston gets Pflueger off the hook. Attorney General Bennett has already shown how aggressively he has pursued things in the past.

"\$500,000 was paid to this State by Pflueger due to the actions of Attorney General Bennett. Why? I just ask the Members here, why? Why on earth don't we want the best going forward on this? And

why? Why on earth do we want to risk the taxpayer's money? Because someone's going to be left holding the bag when Pflueger gets off. So I guess I would say to my Members here that if you go ahead and pass this tonight, listen for the champagne corks because Pflueger and McCorriston are sure going to be popping those corks and celebrating for getting Bennett out of the case.

"The other thing I have a concern about, this House Concurrent Resolution goes over to the Senate. Senator Colleen Hanabusa is representing Pflueger on a civil action against the Department of Land and Natural Resources that has just been filed. That's very questionable too. So on both sides, we would have people that want to get rid of the very best. The most brilliant mind, the most aggressive attorney, the one who has already shown that he can bring Pflueger to justice and make him pay. I would hope that others would join with me in voting down this Resolution. Thank you.

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

"Thank you, Mr. Speaker. I rise in support of this Concurrent Resolution. It's really unfortunate, but the best has a cloud over it that needs to be resolved. In light of the many calls for an outside, independent investigation of the Kaloko Reservoir Dam breach, I would like to explain my position on this resolution to the Members of this Body.

"This Resolution requests the Attorney General to appoint an independent special deputy attorney within the Department of the Attorney General. This does not satisfy my constituents who want a 3rd party, outside, independent investigation.

"However this is a decision I cannot make alone for my constituents, as many reputations are at stake and the integrity of the Department of the Attorney General and its ability to carry out its constitutional and statutory mandates in this investigation are at issue.

"This Resolution is not a finished product as what we are attempting to accomplish and are directing to the Attorney General is not clear. This Resolution should be viewed as a vehicle for continued discussion and debate on how to proceed with the investigation. Again, what is at stake is the integrity of the Department of the Attorney General to do its job, as well as the future dependability and reliability of all governmental operations to serve our people and natural resources, not only on Kauai, but throughout this State.

"Secondly, let me explain why there are so many people in my district calling for an independent investigation, and why there is so much distrust in government. Many, myself included, do not view the dam breach as an isolated incident. For many, many years, illegal grading and grubbing, major land and water alteration activities were happening within the vicinity of Kaloko Reservoir and the nearby properties under the control of one person. People in my community questioned all this unpermitted activity with no response from the County of Kauai or the State. Although in some cases, after the fact permits were given by the County of Kauai.

"On November 22nd, 2001, due to illegal grading, a major landslide occurred covering an adjacent landowner's property in mud. The person who caused the mudslide proceeded with heavy equipment to push dirt and debris into Pilaa Stream, which empties into Pilaa Bay, with sedimentation smothering the coral reef in the bay.

"Despite all the photographic, physical, and eyewitness evidence of Clean Water Act violations, the County and State did not investigate this incident immediately. Only when a citizen suit was filed in federal court by two Kauai community groups, did the County and State become involved.

"The result of this one mudslide was four separate legal actions. A federal lawsuit which resulted in an EPA consent decree finalized last month, a county criminal case which resulted in the DAG plea, a Department of Land and Natural Resources administrative fine, which is being appealed, and a State criminal case which resulted in a ten count guilty plea and half a million dollars in fine.

"However the State criminal case is another area of great concern to my constituents because the guilty plea was totally unrelated and did not include the critical November 22nd, 2001 mudslide, which triggered the catastrophic damage to Pilaa Bay.

"I understand the Attorney General's role as a prosecutor in this case to have wide discretion in how to handle the resolution of this criminal case. I understand that a guilty plea may sound more appealing than a no contest plea, but the no contest plea was broader in scope and included the catastrophic event of November 22nd, 2001. However from the perception of my community ..."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Thank you. However from the perception of my community, justice was not served in this criminal case and the integrity of the Department of the Attorney General is at question in what some described as a 'sweetheart deal'. With this perception from community, how, with the same players involved, both prosecution side and defense side, can justice be carried out in the investigation of the Kaloko Reservoir Dam Breach?

"There is no doubt that many emotions and motives, some pure, some impure, are driving both the pros and cons of an independent investigation of the Kaloko Reservoir Dam Breach. I hope that this Body will continue to ask the tough questions, evaluate whether the perceptions of my community can be overcome with fair and logical explanations by the Attorney General, and that by the close of the 2006 Legislative Session, this Body can get a clear, unambiguous request to the Attorney General on how to proceed with the thorough investigation of the Kaloko Dam breach to bring resolution and closure to this tragic event. Thank you, Mr. Speaker."

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

"Thank you Mr. Speaker, in support. I'll be very brief because the Chair of the Energy Committee was very articulate in her reasoning. I think the main point that I want to make here is that there a couple of reasons why people want an independent investigation.

"One, is this question about the Attorney General having worked for or with Bill McCorriston. I don't consider that to be a central question. I don't think that that's a good reason to ask for an independent investigation. I'm just one person, but that's not my concern. And I don't have any question as to how vigorously this Attorney General would pursue this case. But there's another question and it has to do with the inherent potential conflict of interest which would occur if the Attorney General's office pursues this as a prosecutor and eventually finds, may find, culpability on the part of State employees, either appointed or civil servants.

"So the Attorney General's office would then be in the untenable position of representing both the prosecution and the defense. So if, as the Representative from Kailua said, the Attorney General vigorously pursues this case and finds, let's say a private landowner culpable, but also maybe an employee of the State or an appointee of the State culpable, then the Attorney General would as a supervisor of this case and as a supervisor of the AG's office have to say, 'Okay on the one hand I'm the prosecutor and I'm coming after this State employee, but on the other hand Deputy Attorney General so and so please go and provide an adequate defense to this employee which

I'm going to go after.' If this were a private law firm, they would say, 'You know, we have to farm this out. We have a conflict here.'

"And it's not ... Let me be clear. There are two kinds of conflicts of interest. One, is where something inappropriate is coming up. And the other is where you just have a conflict and you can't fairly represent both sides of a question. And the second one is the one I'm trying to articulate here. I know from my interactions with the Attorney General, he seems personally aggrieved, and I am sorry about that because I very much respect him as an individual, and as an attorney, and as an Attorney General.

"But I'm talking about process here. And the idea that anybody, any law firm or any agency could represent both sides of a case is tough for me to swallow. And that's why I think that as we move forward we're going to have to get our minds around that particular problem before the people of Kauai and elsewhere feel that this is being done properly. Thank you."

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

"Mr. Speaker, in strong support. I'm one of those attorneys that I guess the Representative from Kailua is talking about, saying that we would all agree. I would have to say that I disagree with her position. And I want to make it clear in disagreeing that this is not about Mark Bennett. It's not about his character or his quality as a lawyer. He's an excellent lawyer, although I have to say that some of the partners in my firm have gone head to head with him and won when he was in the private sector. There are other excellent lawyers out in our community that would be able to take on this case and do a very good job representing the people of Hawaii, and particularly the people in Kilauea.

"So we're not talking about Mark Bennett here. What we are talking about Mr. Speaker, is doing the right thing, and showing the people of our State that there is no appearance of impropriety.

"Our Governor did a great thing after the breaking of the dam, the Kaloko Dam. She flew there, met with the people along with the Representative from Kilauea who spoke so eloquently, and I like to incorporate her words as if they were my own. And she reached out and it gave the people hope. But then this issue occurred, that probably most people in our State didn't realize. That you did have an Attorney General who was one of the close partners, one of the law partners with the man who is representing the landowner where the dam is located.

"And the smell test, the feel test. It just didn't feel right. Then additional facts came out that the Sierra Club had reported a flash flood that damaged property before the breaking of the dam. And that it was reported to the Department of Health and to the Department of Land and Natural Resources and that some action and an investigation was taken, but there was no complete follow through. And after the burst of the dam they were told to stop talking, which doesn't again feel right, smell right.

"And it would be my hope, I was hoping that our Governor would step up to the plate and say, 'You know you're right. It doesn't smell right. It doesn't look right. And this is not about the integrity of Mark Bennett. This is not about the impartiality of Mark Bennett. But I believe for the people of our State that we should have an independent third party, Deputy AG appointed from outside the of the AG's Department. Pick one of the other great lawyers in our community. I think everyone in this room could probably name two or three off the top of their head that could represent this State vigorously.

"I don't think you can predict that Pflueger is going to be drinking champagne at some point down the road if Mark Bennett didn't proceed. In fact, I think if you pick a person like Rick Fried, he'd be very worried. And there are many others you could pick, Mr. Speaker.

"So this is not about that, but it is about impropriety, looking balanced, looking fair, and I think the people of Kilauea deserve that at this point. That they don't have to question whether the best job is going to be done. And anything that we can do to ensure them that that will happen is what we should do, and this Resolution takes us in that direction. Thank you very, Mr. Speaker."

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

"Thank you Mr. Speaker, in opposition. I heard a lot about will the best job be done. Well it sounds like we're worried that he's doing such a good job that he's going to take Pflueger to task, and I thought that's what we wanted. So I just remain in opposition."

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

"Mr. Speaker, I'll be voting no this Resolution. I believe it impugns the integrity of the Attorney General. Thank you."

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

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

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

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on this measure. The qualifications of the Attorney General, Mr. Mark Bennett, are of the highest caliber; therefore, questioning the Department's ability, under his leadership, to undertake a thorough investigation into the collapse is misguided. I have the fullest confidence in the Department to conduct an investigation into the causes of the Kaloko Reservoir Dam collapse and to bring the individuals and entities responsible to swift and appropriate justice. Unfortunately, this Resolution appears to question the ability of the Department of the Attorney General to perform one of its primary mandates, which is to investigate all alleged violations of the law and which is, at this point, unwarranted.

"However, some residents of the affected area have voiced concerns that the Department of the Attorney General, as an entity of the State, may appear partial in investigating the Kaloko Reservoir Dam collapse. While I have the highest confidence in the ability of the Department and its leadership, I feel that we must address the concerns of residents."

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

"Mr. Speaker, please enter my yes vote. A very strong yes, in support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 192, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

ATTORNEY GENERAL TO APPOINT A SPECIAL DEPUTY ATTORNEY GENERAL TO INDEPENDENTLY AND IMPARTIALLY INVESTIGATE THE KALOKO RESERVOIR DAM COLLAPSE," was adopted, with Representatives Finnegan, Halford, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1760-06) recommending that H.R. No. 187, 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. 187, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO NEGOTIATE RECREATION-RESIDENCE USE LEASES IN KOKEE WITH CERTAIN EXISTING LESSEES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1761-06) recommending that H.C.R. No. 246, 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. 246, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO NEGOTIATE RECREATION-RESIDENCE USE LEASES IN KOKEE WITH CERTAIN EXISTING LESSEES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1762-06) recommending that H.C.R. No. 220, 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. 220, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO EXPEDITIOUSLY PURSUE THE PRIVATIZED CONSTRUCTION, OPERATION, AND MAINTENANCE OF SMALL BOAT BERTHING FACILITIES AT KEEHI LAGOON, PARALLEL TO LAGOON DRIVE," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1763-06) recommending that H.C.R. No. 180, 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. 180, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. A no vote please on 1763. And the reasons Mr. Speaker, are similar to those that I stated on our full day session; that we need to first have the work done on the stream flow and make sure that we are protecting our farmers. 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. 180, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE AND THE AGRIBUSINESS DEVELOPMENT CORPORATION TO SEEK FEDERAL

MATCHING FUNDS FOR THE IRRIGATION REPAIR AND MAINTENANCE SPECIAL FUND," was adopted, with Representative Thielen voting no, and, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1764-06) recommending that H.C.R. No. 280, 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. 280, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE IMPACT OF HAZARDOUS SUBSTANCES IN FERTILIZERS, ANIMAL FEED, SOIL AMENDMENTS, AGRICULTURAL MINERALS, AUXILIARY SOIL, AND PLANT SUBSTANCES ON THE HEALTH AND SAFETY OF CONSUMERS, FARMERS, AND THE GENERAL PUBLIC," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1765-06) recommending that H.R. No. 195, 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. 195, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1766-06) recommending that H.C.R. No. 255, 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. 255, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1767-06) recommending that H.R. No. 119, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1768-06) recommending that H.C.R. No. 159, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 119, HD 1, and H.C.R. No. 159, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him 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 was adopted and H.R. No. 119, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL

RESOURCES, TO FURTHER PROMOTE ITS STATEWIDE GREENBELTS STRATEGY," was adopted, with Representative Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 159, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO FURTHER PROMOTE ITS STATEWIDE GREENBELTS STRATEGY," was adopted, with Representative Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1769-06) recommending that H.C.R. No. 235, 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. 235, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF PROVIDING VIDEO-CONFERRING CAPABILITY IN THE STATE CAPITOL TO ENSURE CLOSE COMMUNICATION WITH NEIGHBOR ISLAND RESIDENTS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1770-06) recommending that H.C.R. No. 260, 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. 260, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COMPTROLLER TO ESTABLISH A VOLUNTARY PUBLIC TRANSIT BENEFIT PROGRAM FOR STATE EMPLOYEES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Moses rose, stating:

"Mr. Speaker. I'd just like to point out to the Body that Resolutions on page 11 and basically to the end, from SCR 1771 to 1802, we passed these out of the Finance Committee, decision making only, with no testimony at all delivered in Finance Committee. So it was very, very difficult. There were a few of these that we individually had heard in prior Committees. I believed that I heard three of them in prior Committees. But we did not have the, if you want to call it the, luxury of hearing the testimony in Finance Committee. And I understand the Senate does it all the time, but this isn't the Senate. And it is something that we don't normally do in this Body. Thank you."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1771-06) 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 HAWAII INVASIVE SPECIES COUNCIL TO STUDY AND REPORT ON SPECIFIC STRATEGIES TO PREVENT THE SPREAD OF COQUI FROGS AND OTHER INVASIVE SPECIES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1772-06) recommending that H.C.R. No. 37, 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. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SURVIVORS OF BRAIN INJURIES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1773-06) recommending that H.C.R. No. 38, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 38, be adopted, seconded by Representative B. Oshiro.

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

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

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

Representative Stevens 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."

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

Representative Ching rose and asked that the Clerk record 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 Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm going to, I'd like to speak in support of this measure with a couple reservations. Mr. Speaker, this is requesting the Auditor to audit the methods and procedures employed by the Governor in soliciting private sector funds to support or defray the costs of trade missions.

"Mr. Speaker, I see this as potentially useful because the trade missions were so successful that the people of Hawaii benefited so much by this. And the Administration really went within the law, but outside the box of our thinking, and accomplished a tremendous thing with these trade missions. I think it's good that this Legislature would learn how that was done, and how we might cooperate with them more in the future for further, better success.

"With my reservations, Mr. Speaker, a couple things. One is that the Auditor did not testify. It's common for her to show up at our hearings. Not to speak in favor or against, but to be there to comment and did not occur and I believe it should have occurred.

"Further in the language of the resolution it asks that the Auditor is requested to audit the appropriateness, and I don't know if there is such a thing as an audit of appropriateness. I think the language is weakened in that respect."

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

"Thank you Mr. Speaker, just in opposition with short comments. Thank you. The only that puzzles me in this particular measure is that, I believe in the budget, I'm not sure if it was the House's doing or the Senate's doing, but we actually take out the government money for these government trade missions and say that the State can raise the funds for the trade missions. So I think that's kind of like speaking out of two sides of our mouth. Thank you."

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

"Mr. Speaker, in strong support. Mr. Speaker, I hope this HCR does pass out of the Senate and does compel the Auditor to audit the methods and procedures applied by the Governor through her Director at DBEDT.

"What we found at the hearing, Mr. Speaker, was nothing less than astounding and amazing. He basically stood for the proposition that as long as you make a buck, you can bend the rules, you can break the rules and the ends justify the means.

"So when I hear previous speakers talk about this trip being so successful because it raked in millions and millions of bucks, that may be true Mr. Speaker. But what's even more alarming and troubling for me is that this was at the expense of public integrity, of public honesty, of public trust.

"Mr. Speaker, government access and services should not be subject to sale by any governor, any administration, any department, any trade mission. Making money at the expense of the State's standing in the community ..."

Representative Halford rose, stating:

"Mr. Speaker. He is not characterizing the issue here."

The Chair responded:

"He is addressing the issue at this point and time. And that's why this particular Resolution is before this Body. Representative Marcus Oshiro, please proceed."

Representative M. Oshiro continued, stating:

"I'll end with this, Mr. Speaker. Government access should not be for sale and should not be condoned. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker, having had the pleasure of going on the trip to China with the Governor, I could see where those donations from companies were of great value. The entire traveling group from the Polynesian Cultural Center traveled with us and entertained in numerous venues, and those folks could not have afforded to come. This was the kind of thing that the money was used to defray cost.

"The performances there in China would have made everyone proud. Everyone in this Chamber. You know I was proud to be a part of it and just to see how well everybody performed, but it takes money to do that. These young people had to stay in hotels, they needed airfare. There was a group from Waianae High School that through their class on video, taping the 'Olelo program. They were just troopers, but they all had to get airfare and food and places to stay. These were the kinds of things that these additional donations were used for, and it made for a very impressive showing from the State of Hawaii. Thank you."

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

"In support, Mr. Speaker. Very briefly, I just want to I think elaborate a little bit on what the Majority Leader explained. I think it really does have to do with fairness and integrity. That's the underlying purposes of the procurement code.

"The procurement code is all about government services being available for everyone. We want to make sure it's an even playing field so that it's open competition, open bidding. So that the process is open so that anybody who wants to avail themselves of government services and those benefits can utilize and participate in the system.

"The problem here is that DBEDT basically circumvented the procurement code. They went about, found the people they liked, and basically gave them the services. They did that through this partnership with a nonprofit corporation. And let me explain that they asked for an exemption from the procurement code from the State Procurement Office. The State Procurement Office said, 'No. You need to follow the procurement code.' What did they do? They then went and partnered with the nonprofit and let the nonprofit enter into the agreement with the chosen vendors.

"That to me is a circumvention of the procurement code. It excludes people who want to participate in government services and those benefits. And as creative and as wonderful as we may think these partnerships with private businesses may be, ultimately government needs to be held to a higher standard, and we need to make sure that we do it in a way which is not only fair, but which complies with the law and specifically Chapter 103D. Thank you."

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

"Thank you Mr. Speaker, in support. First of all, audits are helpful. I think we need to remember that most private sector companies get audited. Most public agencies get audited. And so if we want to improve the way that government works, we should be auditing ourselves regularly. We should be auditing the Executive Branch.

"Second of all, these trade missions. I don't think there's any disagreement in these Chambers that these trade missions are tremendously useful for Hawaii's economy, and that they should continue. And in my view, they should continue on the basis of a public-private partnership. There should be some private funding in the mix.

"But my eyebrows rose when I found out that there were solicitation letters coming from high government officials in Hawaii saying essentially this: Here's how much access you get to the Chinese Government for this price. Here's how much access to the Chinese Government you get for this price. And to me that's pretty extraordinary to explicitly offer access to other governments through our government for a certain dollar amount. That is excluding other people from the process.

"So I think as the Director of DBEDT and others work on these trade missions and we try to have more of them, and plenty of private sector dollars in the mix, I think what would make sense is for the Auditor to look at this and try to figure out what is our public policy in this area. Do we want to fully, as the Minority Leader suggested, do we want this to be fully government funded? Do we want a private sector mix? If so, how do we solicit those contributions? And are we allowed to offer anything in exchange? Those are very legitimate questions that an audit can help us to clarify so we can come into the next Session and either give guidance, or actually write a statute that governs how trade missions are to occur.

"So I just don't see, there's a lot of protesting too much here. That anything that seems to indicate that the Executive Branch did something that wasn't precisely perfect, is somehow viewed through a partisan lens.

"We are the Legislative Branch, and we are exercising our oversight responsibility over the Executive Branch. And if we thought something was not quite appropriate and is worth reviewing and seeing how we can do it better the next time, it shouldn't be viewed as an attack. It should be viewed as exercising our constitutional responsibility. Thank you."

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

"Mr. Speaker, short comments in opposition. There's just two points. The Legislature is a part of the government, but we do two things. We pass a bill that says we are going to exempt ourselves from this procurement, and we also pass a bill, I mean and we in law that we exempt ourselves from the 'sunshine law'. And there's two things that we're talking about right here and arguing about open government, but we're done that and we're a part of government as well. So you know, I just think let's take a look, and take a look in the mirror before we start-pointing fingers. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support with some reservations. I see nothing wrong with doing an audit. I think everything should be transparent and above board. I guess my concern is number one, is that I'm hoping that taking these kinds of actions will not have a chilling effect on trade and international relationships, because I think especially being in the middle of the Pacific, we should encourage both the Administration and ourselves to do, to maintain contact and open doors.

"I also think that there should be a definition of what a trade mission is, because I know they are also looking at the mission that we went to the Philippines for, which I didn't consider a trade mission, but more of a goodwill mission. But I know they're looking at what happens in those cases as well. I can tell you from experience that there are things that we're guided by, restricted by, especially in terms of entertainment and food that we can't expect the State to pay for. I think it would be unrealistic to expect our host country that we're visiting to pay for either. So I think there has to be a mechanism where moneys can be raised, and has to be through the private sector so that we can be good visitors and at least cover the cost of our share of the food and entertainment. So maybe these things need to be looked at by a taskforce and some rules devised. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition, and I want to ask if the remarks of the Representative from Kalihi be entered as my own. You know I think when we as a legislators look towards the overall good of our State, our citizens, I know that we often try to pass legislation that furthers, encourages, the relationship with our State, our country, to other countries. Myself having been an English as a Second Language teacher, spending a decade of that, I truly value this.

"I wish actually that I could have participated in these missions. I was not able to as I have now a two year-old, but I'm wondering what is this effect in the big picture going to do for the future. If I were a company, I'm not, but if I were a company, and I'm going to be audited now. I'm all for open government also, but you're asking to audit me. I think most companies if I take a poll, they kind of consider that negative, you know. So it adds to the negativity.

"And secondly, I mean it costs every time you do something. It's costs, it's effort. So when we weigh this, you know I start to wonder. I can't help but think this is a little bit of, you know a little bit of harassment. So I'm in opposition. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. First if I could get your permission to insert the words of the Majority Leader as if they were my own," and the Chair "so ordered."

Representative Takai continued, stating:

"Thank you, Mr. Speaker. I wanted to just mention three things. First of all, when we were in the Committee hearing for Legislative Management Committee, the Director of DBEDT suggested and said on numerous occasions that a delegate that paid \$500 for this trip got the same treatment as a sponsor that paid \$50,000. As the Representative from Makiki has already stated, there are documents that show otherwise. And I think that to suggest that a person paying \$500 get the same access as the sponsors, the gold level sponsors that were paying up to \$50,000, and to tell us that when his own documents and people have verified that that in fact is not true, is concerning.

"In fact, Mr. Speaker, I'd say that the 'pay to play' scheme or system in Hawaii is alive and well. It is true, because based on just that: You pay \$50,000, you get invited to these meetings. You pay \$500, you can join everybody else. That to me suggests there's something wrong with this picture.

"The other thing, Mr. Speaker, is we received a letter from a nonprofit who did the State's bidding, and the nonprofit acknowledged that they paid the bills as recommended by the Administration, by the Director, and by his people. That to me just suggests that the nonprofit was utilized as the Majority Floor Leader already said, as just a conduit, and as a way to bypass procurement. Because the fact is that all of the expenses for this particular trip were paid for by the nonprofit, but they were directed by the State and that to me is something that this audit should and must take a look at. Thank you, Mr. Speaker."

At 1:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:31 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.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE METHODS AND PROCEDURES EMPLOYED BY THE GOVERNOR IN SOLICITING PRIVATE SECTOR SPONSORSHIPS AND CONTRIBUTIONS, IN CASH OR IN-KIND, TO SUPPORT OR DEFRAY THE COSTS OF OFFICIAL GOVERNMENT FUNCTIONS, INCLUDING TRADE MISSIONS," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1774-06) recommending that H.C.R. No. 42, 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. 42, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

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

(Stand. Com. Rep. No. 1775-06) recommending that H.R. No. 59, be adopted; and

(Stand. Com. Rep. No. 1776-06) recommending that H.C.R. No. 77, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 59 and H.C.R. No. 77, be adopted, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, I rise in opposition to these measures. If I may, I like to take us down a little path of history. Back in the 30s, 40s, and part of the 50s, the people of Hawaii of which I was one, were nothing but chattel to the Big 5. Fortunately in the late 50s we had an evolution called, A Voice of the People. We actually were able to bring unionization to our employees. In fact, I was one of those employees that worked under the pineapple symbol in Iwilei, so I know what it was like back in those days.

"However, like anything else in life, the pendulum swings. And I'm voting no on this particular measure because I think the pendulum has swung way too far. And when I look at these particular Resolutions, I wonder why are we, as a legislative body, attempting now to legislate and unionize through legislation.

"The people of the *Tribune Herald* obviously have made their choice. They have a union. We have no business sticking our nose into their business. And if they feel that their union is not properly representing them then, then go move to get rid of them and get another union that will take care of them.

"So let us not unionize through legislation. And I hope that other people will vote no and that business can get on. Thank you."

Representative Meyer rose to speak in opposition to both measures, stating

"Thank you, Mr. Speaker. I too toiled at the cannery at Iwilei, but I never felt like a chattel. I got a lot of pineapple rash, and I got up very early. So I'm rising in opposition and with the exception of the chattel comment, I would like the words of the Representative from Downtown Honolulu to be enter into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

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

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

"Thank you a no vote and I just want to mention that I really, what I have deep concerns with is when we start to poke our nose into these sort of things. I have to agree that, that's the whole point of negotiations, right?"

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

Representative Moses rose to speak in opposition to both measures, stating

"Thank you Mr. Speaker, in opposition. It appears that the union workers have more access to government here at the Legislature than through the people who actually run the paper, and that's why they're getting this measure through. Thank you."

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

"Mr. Speaker. In support with brief comments. I also never worked under the pineapple water tank, but I did work at Puna Sugar for a couple of summers in the *sabadon* gang, and I have to say thank God there was a union representing those sugar workers, ILWU. They made a huge difference in terms of working conditions for the people that work in incredibly hard jobs.

"On this particular Resolution, Mr. Speaker, they talk about history. We have seen now since 1996, how this company that came in and bought the *Hawaii Tribune Herald* has treated their workers and has consistently worked to break the union there and has mistreated many, many dedicated people at that newspaper. This Resolution is just asking that they reconsider how they approach this and be fair. The National Labor Relations Board just ruled against the newspaper and found gross abuse and mistreatment by one of the workers. So I think this is the proper thing to do and I hope that everyone votes for these Resolutions. Thank you very much, Mr. Speaker."

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

"Just in support with one sentence. Who could be against having a fair and equitable contract? This is looking at both sides Mr. Speaker. For both sides. A fair and equitable contract. It doesn't say fair and equitable contract for the workers. So I think that it is proper for this House to support this, and hopefully those who are in a position to this will take a look at this as something good. Not as bad."

Representative Ching rose to respond, stating:

"I'm sorry, Mr. Speaker. I just wanted to clarify again. In opposition. As legislators, we want to make sure that because this is a law, or in this case a resolution, the beginning of perhaps law. We're setting precedent here all the time. And so at what point do we stop getting into other people and their business? I mean, I'm sure everyone's for fairness, and in that case, in very fact, who else could be not in support, dilutes the resolution, making it ... You know. I don't think its worthy of the Body. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was adopted, with Representatives Ching, Finnegan, Harbin, Meyer, Moses and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was adopted, with Representatives Ching, Finnegan, Harbin, Meyer, Moses and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1777-06) recommending that H.C.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.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

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

(Stand. Com. Rep. No. 1778-06) recommending that H.R. No. 65, be adopted; and

(Stand. Com. Rep. No. 1779-06) recommending that H.C.R. No. 87, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 65 and H.C.R. No. 87, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I have some reservations on this. This is seatbelts for school buses. Everybody would like seatbelts for their kids. It's mandated in cars. We think it's a good idea, but we heard testimony after testimony. We heard it again in the Transportation Committee that seat belts don't work in buses because they injure children.

"The way that buses are designed, if you have the seat belts on and the bus goes over on its side, or goes over on the roof, the children are hanging there and they sustain more injuries from the seat belt than they do from the bus because the bus is constructed so that it isn't crushed. So when the experts, including the federal government say that the buses are not designed for seat belts, what are we trying to put seat belts in buses for? Thank you."

Representative Lee rose to speak in support of both measures stating:

"Mr. Speaker. I rise in support. Mr. Speaker, although we have heard from some people that seat belts are not advisable, there are other groups that feel that seat belts are really necessary. For example, the American Academy of Pediatrics. So I think this study is really necessary because I think there are conflicting opinions and the bottom line is the safety of our children. Thank you very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 65, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1780-06) recommending that H.C.R. No. 97, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 97, be adopted, seconded by Representative B. Oshiro.

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

"Yes, just with reservations, Mr. Speaker. As the speaker from Liliha said a little while ago, that all these audits do cost money. I'm sure that the State Historic Preservation Division would welcome an audit, but they just had one. So hopefully, maybe the Senate can look into that and make sure that we're not auditing an audit that has already been done. 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:

"Thank you, Mr. Speaker. I rise with reservations on this measure. This bill requests a management audit of the State Historic Preservation Division of the Department of Land and Natural Resources.

"The Department of Land and Natural Resources is an extensive department with a tremendous responsibility and commitment to the citizens of Hawaii which serves the public in a substantial and obligatory manner. Audits often serve the public by monitoring efficiency, however my reservations are based on the idea that the State Historic Preservation Division is already currently undergoing an audit by a certified public accounting firm as ordered by the National Park Service, and will cover 10 of the points listed in the concurrent resolution. In light of the current audit, this measure may be unnecessary".

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.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1781-06) 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 HAWAII HEALTH SYSTEMS CORPORATION TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A PARKING STRUCTURE FOR MAUI MEMORIAL MEDICAL CENTER IN WAILUKU, MAUI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1782-06) recommending that H.C.R. No. 128, 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. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE WARRANTS SECTION OF THE SHERIFF DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1783-06) recommending that H.C.R. No. 141, 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. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA

GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO CONSIDER PURCHASING THE MOANALUA GARDENS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1784-06) recommending that H.C.R. No. 146, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 146, be adopted, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of House Concurrent Resolution 146.

"The Turtle Bay expansion project has divided the North Shore community into two camps, for and against the proposed development of five new hotels, built over a long-term period, based on a City special management area granted 20 years ago. Both sides claim that the quality of life for the North Shore residents will be harmed if the opposing side gets its way.

"House Concurrent Resolution 146 asks for a rigorous reexamination of the Turtle Bay expansion project by the City and County of Honolulu Council. In 20 years time, conditions of the North Shore and the island of Oahu have changed. If we are truly to do what's best for the people of the North Shore, the development should go through a process that meets the standards of today and the needs of tomorrow, not those set in 1986.

"What have been the significant changes? For one thing, traffic on the North Shore has increased dramatically over the years, particularly along Kamehameha Highway, due to the tremendous popularity of the surf meements, people flocking annually in awe of the high surf, and the enjoyment of the world renowned beaches by both locals and visitors.

"Over the past 20 years, the developments of Ko'Olina and Kapolei have put a significant strain on the infrastructure and resources of West Oahu. In addition to traffic, this includes health care services, landfill capacity, water and affordable housing. Can a third major development be supported on Oahu?

"The environment impact statement (EIS) completed in 1985 failed to address the impact of the project on customary and traditional practices of native Hawaiians. The EIS did identify known prehistoric settlements in the development area, and the development plan calls for the disinterment of any burial remains found during the project construction. By today's standards, this does not adequately or fully take into account the environmental impact of the development on native Hawaiian culture.

"The Department of Health's administrative rules require that if the timing of a project has been significantly changed, the environmental impact statement must be supplemented. Due to the size and scope of the developer's plans, we propose that the City should follow through on this, as well as require the developer, Kuilima Resort Company to do more.

"HCR 146 calls for not only the reexamination of the special management area permit, including the supplemental environmental impact statement, but recommends that the City also review the Land Use Commission's action to reclassify this area from the agricultural to the urban district in order to facilitate the project, and the

Unilateral Agreement filed with the Bureau of Conveyances that requires certain conditions.

"While unusual, there is legal precedent in the City to take this route. The Hawaii Supreme Court affirmed an issuing agency's right to review, revoke or modify special management area use permits in *Morgan v. Planning Department County of Kauai*, 104 Ha. 174, 86p.3d982(2004).

"Change, especially on something as permanent as land development, is always hard on a community. As I talk to the people of the North Shore, both for and against the Turtle Bay Expansion, there is mistrust and divisiveness growing to a harmful degree. People expect you to take a side in what has become a bitter battle, and that will only result in one side winning and one side losing.

"We have a better chance of getting on both sides winning if we can focus on areas where there may be common ground – good jobs with decent pay for residents in the community, affordable housing for some employees, cultural sensitivity, beach access and support for local fishing, surfing and family gatherings, preserving the sense of Hawaiian country.

"I don't believe anyone expects the North Shore to stay in a time warp, so if we are to move forward with some sort of development, let it be one in which the people's best interest drive the nature, size and scope of the project. That includes holding government accountable for thoroughly examining the environmental, economic, social and cultural impact that this community will be forced to live with for generations to come.

"Thank you Mr. Speaker and I ask my colleagues to support me on this bill. Malama Pono."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support of HCR 146. The Turtle Bay expansion is of particular concern to my constituency. They will likely be impacted by the increase in traffic on the Windward side that a large resort development will bring. Years have passed since this project was originally approved, and things have changed since then. What was a controversial agreement back in 1986 is even more controversial today because of changes in our laws and increases in population that have taken place over the past 20 years. Most of the residents living out in the country are there because they didn't want to deal with the hustle and bustle of city life. There is a fear that with the influx of possibly 4,000-plus new tourists to the area, the quiet country ambience will disappear. This Resolution asks City officials to take a new look at the project since so much time has passed. 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. 146, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1785-06) recommending that H.C.R. No. 148, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 148, HD 1, be adopted, seconded by Representative B. Oshiro.

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

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

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

"Thank you Mr. Speaker, with reservations. I think it's well intended, but with reservations. They know what they can do. And if we want to implement rent control so we can do that ourselves. If this Body really wants rent control, then let's debate it right here and create our own law. Thank you."

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

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

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

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

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

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

Representative Finnegan rose, stating:

"I'm sorry. Can you change my with reservations vote to a no vote?" and the Chair "so ordered."

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

"A no vote for me. If we don't address the underlying problem of the cost of housing, all the rental cap is going to do is dry up any rental housing at all."

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

[Note: The main motion that Standing Committee Report Nos. 1725-06 through 1804-06 be adopted and that House Resolutions and House Concurrent Resolutions as may be amended be adopted, was later amended to delete Standing Committee Report No. 1785-06.]

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1786-06) 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 AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1787-06) recommending that H.C.R. No. 163, 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. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1788-06) recommending that H.R. No. 148, 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. 148, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1789-06) recommending that H.C.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.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1790-06) recommending that H.C.R. No. 205, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 205, be adopted, seconded by Representative B. Oshiro.

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

"For Stand. Com. 1790, with reservations and just short comments. We do need to do something with the stadium and any delay could very well make it more expensive. 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. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PROPOSED PLANS AND EXISTING AND ANTICIPATED APPROPRIATION REQUESTS OF THE STADIUM AUTHORITY AND THE GOVERNOR FOR THE REPAIR, RENOVATION, REFURBISHMENT, OR REPLACEMENT OF THE ALOHA STADIUM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1791-06) recommending that H.C.R. No. 223, 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. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT TO DETERMINE WHETHER FUNDS ALLOCATED FROM THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND TO THE UNIVERSITY REVENUE-UNDERTAKINGS FUND HAVE BEEN APPROPRIATELY

EXPENDED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

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

(Stand. Com. Rep. No. 1792-06) recommending that H.R. No. 193, be adopted; and

(Stand. Com. Rep. No. 1793-06) recommending that H.C.R. No. 253, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 193 and H.C.R. No. 253, be adopted, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. I'm casting a no vote please on Standing Committee 1792 and 1793. These are requesting the Auditor to conduct a study of the shoreline set back reference line. Mr. Speaker, my reasons for opposing this are the same as those expressed by the environmental groups who are also in opposition to this measure. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to these two Resolutions. I'm really sorry that I wasn't in the Water and Land Use hearing when they heard these two Resolutions, otherwise I would have urged the Committee not to move these Resolutions forward. They're both badly written measures that set back long-standing public policy on shorelines. It basically allows, or is asking the Auditor to find that the vegetation line becomes the demarcation for establishing shoreline, and that's not what our law says right now.

"So I urge this Body to defeat these Resolutions because again, the Whereas clauses do not support long-standing public policy and Supreme Court decisions that define this public policy. Thank you."

At 1:43 o'clock p.m., Representative Kanoho requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:58 o'clock p.m.

At this time, Representative M. Oshiro moved that the main motion that Standing Committee Report Nos. 1725-06 through 1804-06 be adopted, and that House Resolutions and House Concurrent Resolutions as may be amended be adopted, be amended to delete Standing Committee Report Nos. 1785-06, 1792-06, and 1793-06, seconded by Representative B. Oshiro and carried, with Representative Carroll, Marumoto, Nakasone and Takamine being excused.

The Chair then stated:

"Representative Marcus Oshiro, would like to state for the Members of the House that these three matters would be taken up at the end of the calendar?"

Representative M. Oshiro rose, stating:

"Mr. Speaker, for the Body's information, these three measures will be taken up after the main motion, which is through page 18."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1794-06) recommending that H.C.R. No. 257, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 257, be adopted, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, in support. Mr. Speaker, I'd like to add on to the comments made by the Representative from Makiki earlier today, that audits are a good thing in the private sector and the public sector. I'm not quoting him, but in general.

"I concur with that, and also would like to reiterate that we should do management and performance audits of all State activities on a regular basis as required by our Constitution. 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. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FISCAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1795-06) recommending that H.R. No. 209, 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. 209, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1796-06) recommending that H.C.R. No. 269, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1797-06) recommending that H.C.R. No. 232, 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. 232, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1798-06) recommending that H.C.R. No. 297, 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. 297, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

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

(Stand. Com. Rep. No. 1799-06) recommending that H.R. No. 233, HD 1, be adopted; and

(Stand. Com. Rep. No. 1800-06) recommending that H.C.R. No. 299, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 233, HD 1, and H.C.R. No. 299, HD 1, be adopted, seconded by Representative B. Oshiro.

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

Representative Harbin rose and asked that the Clerk record a no vote 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. 233, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF BUDGET AND FINANCE, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was adopted, with Representatives Evans and Harbin voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 299, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF BUDGET AND FINANCE, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was adopted, with Representatives Evans and Harbin voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1801-06) recommending that H.R. No. 235, 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. 235, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1802-06) recommending that H.C.R. No. 301, 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. 301, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1803-06) recommending that H.C.R. No. 248, 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. 248, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT OF TRANSPORTATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1804-06) recommending that H.C.R. No. 316, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 316, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising to vote against Standing Committee Report 1804. Thank you. Mr. Speaker, if I understand this, it is requesting the Attorney General to analyze our existing law to find a way to make the State Department of Taxation collect the new surcharge, the GET surcharge. And then once they collect that, to fund the County's mass transportation, the mass transit project. If I'm reading that correctly Mr. Speaker, and I oppose that. I believe that others will explain more thoroughly why this is not a good idea, particularly those that sit on the Transportation Committee. I believe a commitment was made that this would be the County's responsibility and now this measure is backtracking on that. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. I was a citizen participant when we passed this infamous tax increase. Supposedly to empower and enable our City and County of Honolulu to tax citizens of Oahu for mass transit. And they were in the belief of homerule and were to take care of this themselves. To now suddenly say that we need to hand carry them through and collect the tax for them, and I think I saw a Resolution that came from the City Council that says, 'Oh now, with a new system in place, we'll be able to collect even more revenues for this.' I'm going to call it, as a former citizen participant, a 'boondoggle.'"

"So if they're going to be self-reliant, homerule, then let them collect their own tax and they should figure it out themselves. Thank you."

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

"Thank you Mr. Speaker, in opposition. I do believe in homerule. I do believe that mass transit is something we need to do. However, as we discussed here at length last year on the Floor, I could not vote for the tax, for us to collect it, and therefore, I voted no. Because I believed we would end up collecting it despite all the promises we got that we would not collect it. And here we are basically the next step after this, after we find there's no impediments or we find a

workaround, is to say we'll go ahead and collect it. We're going to end up collecting the County's tax and that is not homerule, and it is a tax increase."

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. I think as I said before on this Floor that the Governor was actually considering vetoing that bill, increasing the excise tax from 4% to 4.5%. I think it was only because of a promise from yourself and the President of the Senate that the State would not have to collect it. So here we are with this Resolution making it pretty clear that what the Majority, apparently in this Chamber, wants to do. Thank you Mr. Speaker."

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

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

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

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

"Mr. Speaker, I rise in support. Very briefly, I just wanted to actually clarify a statement made by the previous speakers, and that has to do with this alleged promise that was made by the leadership of the House and Senate. I actually have seen the letter that was signed by yourself and by the Senate President.

"There's no such promise that we would be taking, or giving the tax administration back to the counties. It merely stated that bills would be introduced and we would look at the idea, and we did. That's all that was promised – that bills would be introduced.

"There was no commitment because as I think you have always done, you never commit this entire Body to one necessary position. You let the legislative process work as it should and therefore, you promised to introduce a bill and let the process take it where it went. Thank you."

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

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

"Reservations and just a quick comment. My concern, and really why I won't vote on this measure is that, if I am a business owner and I have to pay a tax bill, if we decide to have the counties collect the tax, the business would be getting two bills for a general excise tax. Although I don't like the fact that the tax would be increased, putting myself in the place of business owners, I would rather see one tax bill than two that I would have to pay. So I'll just vote with reservations. Thank you very much."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. You know, I agree with the previous speaker. In fact, I think the concerns raised by the people that don't support this Resolution, I believe stems from the fact that they may not support the rail system or the tax. But that debate passed last year.

"What's in front of us is, how do we implement the tax increase? I think it just makes good sense for us to allow our State Department of Taxation to collect it. Like the good Representative from Waikiki already said, if I was a business owner, I would appreciate it. I would appreciate receiving one tax bill or reporting one time to one entity, instead of reporting to two separate governments at two separate levels. It just doesn't make sense and I think what we're asking here makes a lot of sense.

"And I think if we were to propose what the Governor had asked you to propose to us, and if we would be considering it on the Floor today, I think the people that oppose mass transit or the tax, would stand up and say this doesn't make sense because we have the City government collecting a tax, and State government collecting a tax. So I think this proposal passes the 'makes sense' test. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you Mr. Speaker, still in opposition, but I did have a comment to make. If I'm not mistaken, some of the negotiations and some of the talk was that there was an ability here, there was an opportunity to actually hire, another firm to collect the tax on behalf of the State and the County. So you could actually pay it to one central area and it could be distributed to the State and the County. I'm not sure of the details of it all, but there's ways. Thank you."

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

"Mr. Speaker, I just rise in support. I have written comments to submit to the Journal, but I just wanted to say, I was looking back at an article that was written on the tenth of April in the *Honolulu Advertiser*. In it, it stated that the State Tax Director estimated last year, that the State's cost of collecting the taxes would amount to 13.6 million over the first 4 years. The City however estimated duplicating the State system would cost \$52 million over the same period, so it's just common sense. It would not make sense to support a duplicate system that would cost more. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"The purpose of this Resolution is to request information from the Attorney General regarding the collection of the mass transit GET surcharge that will begin in Honolulu County on January 1, 2007. Specifically, this Resolution requests the AG to report on the impediments, if any, that could arise when the State Department of Taxation begins to administer the collection of this tax surcharge.

"The Attorney General testified that he saw no impediments to collecting this surcharge and because Act 247 of 2005 expressly authorized DOTAX to administer and collect the County surcharge, there would be no legal obstacles.

"The Attorney General's input is sought because DOTAX has apparently been advised not to respond to inquiries on this issue and did not appear at the hearing, nor submit testimony. The AG's input is necessary because any contracts related to the tax must be reviewed by his office.

"Time is of the essence, Mr. Speaker, since the Session is drawing to a close, and any adjustments need to be made this year to make sure the State is ready and poised to deal with whatever hurdles are discovered prior to January 1, 2007. For that reason, the Resolution seeks a report to the Legislature to be delivered as soon as possible. I would urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 316, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ANALYZE EXISTING LAW TO

IDENTIFY ANY IMPEDIMENT TO THE DEPARTMENT OF TAXATION'S IMPLEMENTING THE COLLECTION OF THE COUNTY SURCHARGE BY JANUARY 1, 2007 AND REQUESTING THE DEPARTMENT OF TAXATION TO ESTABLISH A PLAN TO IMPLEMENT THE ADMINISTRATION AND COLLECTION OF A COUNTY SURCHARGE ON THE STATE GENERAL EXCISE TAX TO FUND COUNTY MASS TRANSPORTATION PROJECTS ON JANUARY 1, 2007," was adopted, with Representatives Finnegan, Halford, Harbin, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative M. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1785-06, that H.C.R. No. 148, HD 1, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.C.R. No. 148, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO STUDY AND TO CONSIDER IMPLEMENTING RENT CONTROL ORDINANCES AUTHORIZED UNDER STATE LAW," was recommitted to the Committee on Finance, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative M. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1792-06, that H.R. No. 193, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was recommitted to the Committee on Finance, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative M. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1793-06, that H.C.R. No. 253, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was recommitted to the Committee on Finance, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

ANNOUNCEMENTS

Representative Karamatsu: "Mr. Speaker, I would like to thank all the participants who helped in the first collection drive for the Sex Abuse Treatment Center, which was held yesterday in Room 423. Items such as mugs, stuffed animals, clothes, and books will help comfort survivors of sexual assault. I also would like to thank our partners, honorary co-chair Brittany Perrineau and actor Daniel Dae Kim from *Lost*, and also the assistance from staff from the Sex Abuse Treatment Center along with other supporters and volunteers from our offices in the Capitol.

"In total, we transferred over 30 boxes of clothes for adults and children, stuff animals, reading materials and mugs, and we collected about \$130 in cash and checks for the Center. In addition, we had 20 bags that won't be used by the Sex Abuse Treatment Center, but it has already been delivered to Goodwill.

"I would like to thank Nancy Nishimura, Shawn Nakama from the Capitol and my friend, Stacey Hayashii and also my staff, Chelsea Akimoto, Kerri Richardson, Melissa Miranda-Johnson and Baron

Gushiken for all their hard work. Thank you for everyone's participation."

Representative Green: "Thank you Mr. Speaker, just real briefly. Your Hawaii Healthcare Task Force and the Governor's Task Force will be meeting today from 4:00 to 600 at the Medical School to discuss the Lewin Report further, and to advise them on adjustments that might suit Hawaii best. So if my colleagues would like to send staff or come themselves, the input would be welcomed."

Representative Halford: "Thank you, Mr. Speaker. It's my hope that in the future that this Body will have comprehensive discussions, formally and informally, on the issue of 'pay to play.' And not just on the narrow issue that was brought up in an earlier Resolution, but comprehensively, regarding partisan 'pay to play', Political Action Committee 'pay to play', etc. I don't think I have the whole list in my mind or in front of me. But I think that's a useful subject. It affects the people of Hawaii directly. And hopefully we would formally consider those issues in the future. Thank you."

ADJOURNMENT

At 2:13 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, April 17, 2006. (Representatives Carroll, Marumoto, Nakasone, Schatz and Takamine were excused.)

HOUSE COMMUNICATION

House Communication dated April 13, 2006, 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. 1, H.D. 2, S.D. 1	H.B. No. 2343, H.D. 1, S.D. 2
H.B. No. 30, H.D. 1, S.D. 2	H.B. No. 2346, S.D. 1
H.B. No. 173, H.D. 1, S.D. 1	H.B. No. 2347, S.D. 1
H.B. No. 237, H.D. 3, S.D. 1	H.B. No. 2367, H.D. 1, S.D. 1
H.B. No. 266, H.D. 1, S.D. 2	H.B. No. 2399, H.D. 2, S.D. 1
H.B. No. 439, H.D. 1, S.D. 2	H.B. No. 2410, H.D. 1, S.D. 2
H.B. No. 487, H.D. 1, S.D. 3	H.B. No. 2412, H.D. 1, S.D. 1
H.B. No. 970, H.D. 1, S.D. 1	H.B. No. 2419, H.D. 1, S.D. 3
H.B. No. 1021, H.D. 2, S.D. 2	H.B. No. 2422, H.D. 1, S.D. 2
H.B. No. 1033, H.D. 1, S.D. 2	H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 1155, H.D. 1, S.D. 2	H.B. No. 2440, H.D. 2, S.D. 2
H.B. No. 1448, H.D. 2, S.D. 1	H.B. No. 2454, H.D. 1, S.D. 2
H.B. No. 1466, H.D. 1, S.D. 2	H.B. No. 2457, H.D. 1, S.D. 1
H.B. No. 1706, H.D. 3, S.D. 1	H.B. No. 2500, H.D. 2, S.D. 2
H.B. No. 1723, H.D. 2, S.D. 2	H.B. No. 2535, S.D. 2
H.B. No. 1800, H.D. 1, S.D. 1	H.B. No. 2540, H.D. 2, S.D. 2
H.B. No. 1809, H.D. 2, S.D. 2	H.B. No. 2555, H.D. 2, S.D. 2
H.B. No. 1821, H.D. 2, S.D. 2	H.B. No. 2558, H.D. 1, S.D. 2
H.B. No. 1825, H.D. 1, S.D. 2	H.B. No. 2587, H.D. 2, S.D. 2
H.B. No. 1833, H.D. 1, S.D. 2	H.B. No. 2595, H.D. 1, S.D. 2
H.B. No. 1843, H.D. 1, S.D. 2	H.B. No. 2619, S.D. 1
H.B. No. 1861, S.D. 1	H.B. No. 2625, H.D. 1, S.D. 2
H.B. No. 1862, H.D. 2, S.D. 2	H.B. No. 2626, S.D. 1
H.B. No. 1865, H.D. 1, S.D. 2	H.B. No. 2637, H.D. 1, S.D. 2
H.B. No. 1866, H.D. 1, S.D. 2	H.B. No. 2639, H.D. 2, S.D. 2
H.B. No. 1867, H.D. 1, S.D. 2	H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 1871, H.D. 1, S.D. 2	H.B. No. 2669, H.D. 1, S.D. 2
H.B. No. 1879, H.D. 1, S.D. 1	H.B. No. 2678, H.D. 2, S.D. 2
H.B. No. 1880, H.D. 2, S.D. 2	H.B. No. 2692, H.D. 1, S.D. 1
H.B. No. 1889, H.D. 1, S.D. 2	H.B. No. 2708, H.D. 2, S.D. 2
H.B. No. 1890, H.D. 1, S.D. 2	H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 1891, H.D. 2, S.D. 2	H.B. No. 2715, H.D. 1, S.D. 2
H.B. No. 1899, H.D. 1, S.D. 1	H.B. No. 2737, H.D. 1, S.D. 1
H.B. No. 1900, H.D. 1, S.D. 1	H.B. No. 2747, H.D. 2, S.D. 1
H.B. No. 1917, H.D. 2, S.D. 2	H.B. No. 2763, H.D. 1, S.D. 2

H.B. No. 1918, H.D. 1, S.D. 2
 H.B. No. 1922, H.D. 1, S.D. 2
 H.B. No. 1923, H.D. 1, S.D. 2
 H.B. No. 1928, H.D. 2, S.D. 2
 H.B. No. 1935, H.D. 1, S.D. 1
 H.B. No. 1947, S.D. 1
 H.B. No. 1948, H.D. 2, S.D. 2
 H.B. No. 1955, H.D. 1, S.D. 1
 H.B. No. 1977, H.D. 1, S.D. 2
 H.B. No. 1995, H.D. 1, S.D. 2
 H.B. No. 2039, H.D. 2, S.D. 2
 H.B. No. 2043, H.D. 2, S.D. 3
 H.B. No. 2045, H.D. 2, S.D. 1
 H.B. No. 2050, H.D. 2, S.D. 1
 H.B. No. 2051, H.D. 1, S.D. 2
 H.B. No. 2075, H.D. 1, S.D. 2
 H.B. No. 2097, H.D. 2, S.D. 2
 H.B. No. 2109, H.D. 1, S.D. 2
 H.B. No. 2133, S.D. 1
 H.B. No. 2145, H.D. 2, S.D. 1
 H.B. No. 2146, H.D. 1, S.D. 1
 H.B. No. 2153, H.D. 2, S.D. 2
 H.B. No. 2175, H.D. 2, S.D. 2
 H.B. No. 2176, H.D. 2, S.D. 2
 H.B. No. 2179, H.D. 2, S.D. 2
 H.B. No. 2182, H.D. 1, S.D. 2
 H.B. No. 2183, H.D. 1, S.D. 1
 H.B. No. 2187, H.D. 2, S.D. 2
 H.B. No. 2192, H.D. 2, S.D. 2
 H.B. No. 2199, H.D. 2, S.D. 1
 H.B. No. 2204, H.D. 2, S.D. 2
 H.B. No. 2210, S.D. 1
 H.B. No. 2211, H.D. 1, S.D. 1
 H.B. No. 2214, H.D. 1, S.D. 2
 H.B. No. 2239, H.D. 1, S.D. 2
 H.B. No. 2258, H.D. 1, S.D. 2
 H.B. No. 2265, H.D. 2, S.D. 1
 H.B. No. 2271, H.D. 1, S.D. 2
 H.B. No. 2273, S.D. 1
 H.B. No. 2275, S.D. 1
 H.B. No. 2277, H.D. 2, S.D. 2
 H.B. No. 2278, H.D. 1, S.D. 2
 H.B. No. 2315, S.D. 2
 H.B. No. 2319, H.D. 1, S.D. 1

H.B. No. 2771, H.D. 2, S.D. 1
 H.B. No. 2772, H.D. 1, S.D. 2
 H.B. No. 2774, H.D. 1, S.D. 2
 H.B. No. 2778, H.D. 2, S.D. 2
 H.B. No. 2796, H.D. 1, S.D. 1
 H.B. No. 2805, S.D. 1
 H.B. No. 2806, H.D. 1, S.D. 2
 H.B. No. 2836, H.D. 1, S.D. 2
 H.B. No. 2848, H.D. 2, S.D. 2
 H.B. No. 2878, H.D. 1, S.D. 1
 H.B. No. 2925, H.D. 1, S.D. 2
 H.B. No. 2947, H.D. 2, S.D. 2
 H.B. No. 2950, S.D. 2
 H.B. No. 2952, H.D. 1, S.D. 2
 H.B. No. 2961, H.D. 1, S.D. 1
 H.B. No. 2964, H.D. 1, S.D. 2
 H.B. No. 2966, H.D. 2, S.D. 2
 H.B. No. 2974, S.D. 1
 H.B. No. 2987, H.D. 1, S.D. 2
 H.B. No. 2991, H.D. 2, S.D. 2
 H.B. No. 3018, H.D. 1, S.D. 1
 H.B. No. 3036, H.D. 1, S.D. 2
 H.B. No. 3037, H.D. 1, S.D. 1
 H.B. No. 3056, H.D. 2, S.D. 2
 H.B. No. 3060, H.D. 1, S.D. 2
 H.B. No. 3067, H.D. 2, S.D. 2
 H.B. No. 3087, H.D. 2, S.D. 2
 H.B. No. 3100, H.D. 1, S.D. 1
 H.B. No. 3105, H.D. 2, S.D. 2
 H.B. No. 3115, H.D. 2, S.D. 2
 H.B. No. 3116, H.D. 2, S.D. 2
 H.B. No. 3118, H.D. 1, S.D. 1
 H.B. No. 3121, H.D. 2, S.D. 1
 H.B. No. 3123, H.D. 1, S.D. 1
 H.B. No. 3142, H.D. 2, S.D. 2
 H.B. No. 3194, H.D. 1, S.D. 1
 H.B. No. 3217, H.D. 1, S.D. 1
 H.B. No. 3225, H.D. 1, S.D. 1
 H.B. No. 3235, H.D. 1, S.D. 1
 H.B. No. 3237, H.D. 2, S.D. 2
 H.B. No. 3244, H.D. 1, S.D. 2
 H.B. No. 3257, H.D. 1, S.D. 2
 H.B. No. 3259, H.D. 1, S.D. 2
 H.B. No. 3261, H.D. 1, S.D. 2

"PROPOSING AMENDMENTS TO THE HAWAII
 CONSTITUTION RELATING TO THE ESTABLISHMENT OF A
 SALARY COMMISSION."

Respectfully,
 /s/Lorna A. Woo
 for PAUL T. KAWAGUCHI
 Clerk of the Senate

PTK:law
 Enclosure

cc: Patricia Mau-Shimizu
 Clerk of the House"

OTHER COMMUNICATION

The following communication was received by the Clerk on April 13, 2006:

"The Senate
 The Twenty-Third Legislature
 of the
 State of Hawaii
 STATE CAPITOL
 HONOLULU, HAWAII 96813

April 13, 2006

The Honorable Linda Lingle
 Governor of the State of Hawaii
 State Capitol
 Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

H.B. No. 1917, HD2, S.D. 2

FORTY-NINTH DAY

Monday, April 17, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:19 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all members present with the exception of Representatives Carroll, 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. 253 through 257) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 253, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2591, entitled: "A BILL FOR AN ACT RELATING TO APPEALS." (ACT 003)

Gov. Msg. No. 254, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2604, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS." (ACT 004)

Gov. Msg. No. 255, informing the House that on April 13, 2006, the following bill was signed into law:

H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING." (ACT 005)

Gov. Msg. No. 256, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2333, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE." (ACT 006)

Gov. Msg. No. 257, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY." (ACT 007)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 681 through 745) were received and announced by the Clerk:

Sen. Com. No. 681, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 87, SD 2, HD 1	S.B. No. 2571, HD 1
S.B. No. 218, SD 4, HD 1	S.B. No. 2572, SD 2, HD 1
S.B. No. 439, HD 2	S.B. No. 2575, SD 2, HD 1
S.B. No. 475, SD 2, HD 1	S.B. No. 2600, SD 1, HD 2
S.B. No. 613, SD 2, HD 1	S.B. No. 2630, SD 2, HD 1
S.B. No. 696, SD 1, HD 2	S.B. No. 2652, SD 2, HD 2
S.B. No. 743, SD 2, HD 2	S.B. No. 2688, SD 2, HD 2
S.B. No. 744, SD 2, HD 1	S.B. No. 2708, SD 2, HD 1
S.B. No. 785, SD 2, HD 2	S.B. No. 2718, SD 1, HD 1

S.B. No. 845, SD 2, HD 2	S.B. No. 2719, SD 2, HD 1
S.B. No. 965, SD 2, HD 1	S.B. No. 2725, SD 2, HD 1
S.B. No. 1015, SD 1, HD 1	S.B. No. 2727, SD 1, HD 2
S.B. No. 1223, SD 2, HD 1	S.B. No. 2774, SD 2, HD 1
S.B. No. 1294, SD 2, HD 1	S.B. No. 2838, SD 2, HD 2
S.B. No. 1317, SD 1, HD 1	S.B. No. 2879, SD 1, HD 1
S.B. No. 1512, SD 1, HD 3	S.B. No. 2887, SD 1, HD 1
S.B. No. 1593, SD 2, HD 2	S.B. No. 2897, SD 2, HD 3
S.B. No. 1648, SD 1, HD 2	S.B. No. 2898, SD 2, HD 2
S.B. No. 1899, SD 1, HD 1	S.B. No. 2909, SD 1, HD 2
S.B. No. 2004, SD 1, HD 1	S.B. No. 2913, SD 1, HD 1
S.B. No. 2021, SD 2, HD 2	S.B. No. 2917, HD 3
S.B. No. 2036, SD 1, HD 1	S.B. No. 2922, SD 1, HD 1
S.B. No. 2065, SD 2, HD 1	S.B. No. 2926, SD 1, HD 2
S.B. No. 2074, SD 1, HD 2	S.B. No. 2948, SD 1, HD 2
S.B. No. 2076, SD 2, HD 2	S.B. No. 2949, SD 2, HD 1
S.B. No. 2133, SD 2, HD 2	S.B. No. 2954, SD 2, HD 2
S.B. No. 2145, SD 2, HD 2	S.B. No. 2956, SD 2, HD 2
S.B. No. 2150, SD 1, HD 1	S.B. No. 2957, SD 2, HD 2
S.B. No. 2155, SD 2, HD 1	S.B. No. 2958, SD 2, HD 1
S.B. No. 2162, SD 2, HD 1	S.B. No. 2959, SD 3, HD 1
S.B. No. 2166, SD 2, HD 3	S.B. No. 2961, SD 1, HD 1
S.B. No. 2188, SD 1, HD 2	S.B. No. 2980, SD 2, HD 1
S.B. No. 2214, SD 2, HD 3	S.B. No. 2997, SD 1, HD 1
S.B. No. 2227, SD 2, HD 2	S.B. No. 3000, SD 2, HD 1
S.B. No. 2246, SD 1, HD 2	S.B. No. 3009, SD 2, HD 2
S.B. No. 2248, SD 2, HD 1	S.B. No. 3011, SD 1, HD 1
S.B. No. 2259, SD 1, HD 1	S.B. No. 3021, SD 2, HD 2
S.B. No. 2260, SD 1, HD 1	S.B. No. 3035, SD 1, HD 1
S.B. No. 2265, SD 1, HD 1	S.B. No. 3059, SD 2, HD 1
S.B. No. 2273, SD 2, HD 1	S.B. No. 3065, SD 1, HD 1
S.B. No. 2298, SD 1, HD 1	S.B. No. 3076, SD 1, HD 1
S.B. No. 2323, SD 2, HD 1	S.B. No. 3077, SD 2, HD 2
S.B. No. 2327, SD 2, HD 1	S.B. No. 3078, SD 2, HD 1
S.B. No. 2334, SD 2, HD 2	S.B. No. 3090, SD 2, HD 1
S.B. No. 2339, SD 2, HD 1	S.B. No. 3101, SD 2, HD 2
S.B. No. 2343, SD 2, HD 2	S.B. No. 3105, SD 2, HD 2
S.B. No. 2348, SD 1, HD 1	S.B. No. 3114, SD 2, HD 2
S.B. No. 2357, HD 1	S.B. No. 3119, SD 2, HD 1
S.B. No. 2364, SD 2, HD 3	S.B. No. 3120, SD 2, HD 1
S.B. No. 2385, SD 1, HD 2	S.B. No. 3138, HD 1
S.B. No. 2433, SD 2, HD 1	S.B. No. 3146, SD 2, HD 1
S.B. No. 2461, SD 1, HD 1	S.B. No. 3180, SD 1, HD 2
S.B. No. 2480, SD 1, HD 1	S.B. No. 3181, SD 2, HD 2
S.B. No. 2484, SD 1, HD 1	S.B. No. 3185, SD 2, HD 2
S.B. No. 2485, SD 2, HD 2	S.B. No. 3186, SD 2, HD 2
S.B. No. 2486, SD 2, HD 1	S.B. No. 3192, SD 1, HD 2
S.B. No. 2492, SD 1, HD 1	S.B. No. 3195, SD 2, HD 2
S.B. No. 2499, SD 2, HD 2	S.B. No. 3205, SD 2, HD 1
S.B. No. 2502, SD 2, HD 1	S.B. No. 3215, SD 1, HD 2
S.B. No. 2504, SD 2, HD 2	S.B. No. 3247, SD 2, HD 2
S.B. No. 2505, SD 2, HD 1	S.B. No. 3252, SD 2, HD 1
S.B. No. 2545, SD 2, HD 2	S.B. No. 3262, SD 1, HD 1
S.B. No. 2546, SD 1, HD 2	S.B. No. 3270, SD 2, HD 1
S.B. No. 2570, SD 2, HD 2	S.B. No. 3273, SD 2, HD 2

Sen. Com. No. 682, transmitting H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 683, transmitting S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION URGING CULTURAL PERPETUATION IN RURAL HAWAIIAN COMMUNITIES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 684, transmitting S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE

PRESERVATION OF JAPANESE SHRINES AND TEMPLES IN HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 685, transmitting S.C.R. No. 13, 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 13, 2006.

Sen. Com. No. 686, transmitting S.C.R. No. 14, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 687, transmitting S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 688, transmitting S.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE CAPITAL FUND PROGRAM ADMINISTERED BY THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 689, transmitting S.C.R. No. 23, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEDICATE BERTHING AREAS IN EACH COUNTY WHERE NON-PROFIT ORGANIZATIONS CAN MOOR THEIR VOYAGING CANOES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 690, transmitting S.C.R. No. 32, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE PROCUREMENT OFFICE AND THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE PROCUREMENT CODE AND ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 691, transmitting S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE ADJUTANT GENERAL OF THE HAWAII NATIONAL GUARD PROVIDE MEMBERS AND VETERANS OF THE ARMED FORCES HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 692, transmitting S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMERICA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 693, transmitting S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE

CAPITAL IMPROVEMENT PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 694, transmitting S.C.R. No. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE STATE FIRE COUNCIL," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 695, transmitting S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 696, transmitting S.C.R. No. 52, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COMMITTEES ON HUMAN SERVICES OF THE SENATE AND HOUSE OF REPRESENTATIVES TO CONVENE INTERIM HEARINGS ON THE USE OF LEGAL INTERVENTIONS AVAILABLE TO THE FAMILY COURT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 697, transmitting S.C.R. No. 56, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE FERAL PIG POPULATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 698, transmitting S.C.R. No. 57, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION INVESTIGATE THE FEASIBILITY OF EBOOKS AS AN ALTERNATIVE TO TRADITIONAL TEXTBOOKS AND REPORT ITS FINDINGS TO THE LEGISLATURE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 699, transmitting S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EXEMPT THE HIGH CORE PROGRAM'S COMPREHENSIVE SCHOOL ALIENATION PROGRAM FUNDING FROM THE WEIGHTED STUDENT FORMULA BUDGETING PROCESS AS WAS INTENDED BY THE COMMITTEE ON WEIGHTS AND THE BOARD OF EDUCATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 700, transmitting S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE AUDITOR CONDUCT A FISCAL AND PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 701, transmitting S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND SATURDAY IN OCTOBER AS "E HO'OLA I NA ALA HELE DAY" – "TO GIVE LIFE TO THE TRAILS DAY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 702, transmitting S.C.R. No. 66, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU STUDY AND EVALUATE THE FEASIBILITY OF ESTABLISHING AN ECONOMIC REDEVELOPMENT AGENCY FOR THE URBAN CORE OF HONOLULU," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 703, transmitting S.C.R. No. 67, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM MODEL IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANDED ACCESS PROGRAM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 704, transmitting S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION CLARIFY THE PROCEDURES THROUGH WHICH STUDENTS MAY TAKE ONLINE CLASSES FROM AN ACCREDITED INSTITUTION FOR CREDIT TOWARD DEPARTMENT OF EDUCATION REQUIREMENTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 705, transmitting S.C.R. No. 77, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT TWO STUDIES OF RECOMMENDED PROCEDURES THAT WILL ENSURE THAT STATE-FUNDED HEALTH CARE PAYMENTS ADEQUATELY REIMBURSE PROVIDERS WHO PROVIDE SERVICES FOR MEDICAID OR QUEST RECIPIENTS AND INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 706, transmitting S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ELIMINATE THE CONCEPT OF POSITIVE ENROLLMENT FROM THE RECENTLY ISSUED QUEST REQUEST FOR PROPOSAL," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 707, transmitting S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS' CONFLICT OF INTEREST POLICY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 708, transmitting S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EXAMINE THE IMPLEMENTATION OF AN AUTOMATED VICTIM NOTIFICATION SYSTEM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 709, transmitting S.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EXAMINE THE ISSUE OF CHANGES TO THE HAWAII PENAL CODE FOR THE SENTENCING OF REPEAT OFFENDERS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 710, transmitting S.C.R. No. 91, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE THE BACKLOG IN UNSERVED ARREST WARRANTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 711, transmitting S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE ATTORNEY GENERAL TO IMPLEMENT MEASURES TO PROVIDE A SMOOTH TRANSITION FOR PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS SHOULD IT BE DETERMINED BY THE STATE PROCUREMENT OFFICE THAT THESE ORGANIZATIONS ARE SUBJECT TO THE STATE PROCUREMENT LAW," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 712, transmitting S.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE THE ISSUE OF DISCRETIONARY

FUNCTION EXCEPTION FOR OF THE STATE AND COUNTIES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 713, transmitting S.C.R. No. 97, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF STUDENT HOUSING SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 714, transmitting S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 715, transmitting S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII EMPLOYERS TO DEVELOP AND IMPLEMENT STANDARDS OF CONDUCT AND POLICIES FOR MANAGERS AND EMPLOYEES TO REDUCE WORKPLACE BULLYING AND PROMOTE HEALTHFUL AND SAFE WORK ENVIRONMENTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 716, transmitting S.C.R. No. 113, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUE OF AUTHORIZING PSYCHOLOGISTS WHO HAVE OBTAINED THE APPROPRIATE EDUCATION, TRAINING, AND EXPERIENCE TO PRESCRIBE A LIMITED FORMULARY OF PSYCHOTROPIC MEDICATIONS FOR THE TREATMENT OF MENTAL ILLNESS WHILE PRACTICING IN FEDERALLY QUALIFIED HEALTH CENTERS OR LICENSED HEALTH CLINICS LOCATE IN FEDERALLY DESIGNATED MEDICALLY UNDERSERVED AREAS OR IN MENTAL HEALTH PROFESSIONAL SHORTAGE AREAS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 717, transmitting S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND TO PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 718, transmitting S.C.R. No. 125, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF AGRICULTURE TO CONDUCT A FEASIBILITY STUDY ON SELLING THE LAND COMPRISING THE OAHU COMMUNITY CORRECTIONAL FACILITY ON KAMEHAMEHA HIGHWAY AND MOVING TO THE SITE OF THE ANIMAL QUARANTINE CENTER IN HALAWA OR ADJACENT STATE LAND NEAR THE CURRENT HALAWA CORRECTIONAL FACILITY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 719, transmitting S.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HAWAIIAN HOME LANDS ENTER INTO A LEASE/PURCHASE AGREEMENT FOR THE CONSTRUCTION OF A NEW OFFICE FACILITY ON HAWAIIAN HOME LANDS IN EAST KAPOLEI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 720, transmitting S.C.R. No. 130, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE

DEPARTMENT OF LAND AND NATURAL RESOURCES TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT AT WAILOA SMALL BOAT HARBOR AND ALONG HILO BAYFRONT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 721, transmitting S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE APPROPRIATE LEASE RENT FOR THE MAUNA KEA SUMMIT LANDS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 722, transmitting S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE ENTRANCE OF MEN INTO THE NURSING FIELD," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 723, transmitting S.C.R. No. 139, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII AT MANOA TO STUDY THE FEASIBILITY OF MANDATED OR INCENTIVE BASED VOLUNTARY ROOFTOP LANDSCAPING AND AGRICULTURE IN URBAN DISTRICTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 724, transmitting S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 725, transmitting S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO MAINTAIN THE CURRENT ZONING OF A ONE HUNDRED SEVENTY-TWO ACRE PARCEL OF REAL PROPERTY IN ROYAL KUNIA FOR THE ESTABLISHMENT OF A PARK, GOLF COURSE, OR CONTINUED USE AS OPEN SPACE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 726, transmitting S.C.R. No. 148, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO PURCHASE THE MOANALUA GARDENS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 727, transmitting S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DEVELOP AND IMPLEMENT A STUDENT AND FACULTY EXCHANGE PROGRAM BETWEEN HAWAII AND THE PHILIPPINES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 728, transmitting S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONVENE A TASK FORCE TO STUDY THE PHYSICIAN ON-CALL CRISIS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 729, transmitting S.C.R. No. 152, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN INTERIM STUDY OF THE NEED FOR GREATER REGULATION OF THE MEDICAL MALPRACTICE

INSURANCE INDUSTRY IN HAWAII AND TO PROPOSE NEEDED REFORMS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 730, transmitting S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE KOMOHANA RESEARCH AND EXTENSION CENTER'S ADMINISTRATIVE OFFICE WING IN HONOR OF DR. TADASHI HIGAKI," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 731, transmitting S.C.R. No. 172, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO TAKE INTO ACCOUNT THE NEED TO RENOVATE AGING CLASSROOM SPACES AND OTHER CHANGING EDUCATIONAL NEEDS WHEN DETERMINING CAPITAL IMPROVEMENT PROJECT PRIORITIES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 732, transmitting S.C.R. No. 173, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DETERMINE A SET OF BENCHMARK INDICATORS TO EVALUATE STUDENT ACHIEVEMENT SINCE THE IMPLEMENTATION OF ACT 51," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 733, transmitting S.C.R. No. 176, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD AND DEPARTMENT OF EDUCATION CLARIFY HOW THE I.D.E.A. MANDATE OF "FREE APPROPRIATE PUBLIC EDUCATION" FOR SPECIAL EDUCATION STUDENTS IS BEING IMPLEMENTED IN THE STATE AND THAT THE LEGISLATIVE REFERENCE BUREAU CONDUCT A COMPARATIVE STUDY OF COSTS AND FEES CHARGED BY SCHOOL DISTRICTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 734, transmitting S.C.R. No. 178, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 735, transmitting S.C.R. No. 182, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE HAWAII ATHLETIC TRAINERS' ASSOCIATION AND THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 736, transmitting S.C.R. No. 195, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HONOLULU BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU TO WORK WITH THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII ON THE REPLACEMENT OF THE WAIHOLE VALLEY WATER SYSTEM AND FOR THE BOARD OF WATER SUPPLY TO ACCEPT DEDICATION OF THE UPGRADED WATER SYSTEM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 737, transmitting S.C.R. No. 196, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 738, transmitting S.C.R. No. 199, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE

COLLEGE OF HAWAIIAN LANGUAGE AT THE UNIVERSITY OF HAWAII AT HILO TO WORK WITH APPROPRIATE GOVERNMENT OFFICES TO DEVELOP A PLAN TO PROMOTE THE HAWAIIAN LANGUAGE IN ALL STATE AND COUNTY GOVERNMENT OFFICES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 739, transmitting S.C.R. No. 200, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING SUPPORT FOR THE UNIVERSITY OF HAWAII'S CENTER ON AGING, RESEARCH, AND EDUCATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 740, transmitting S.C.R. No. 211, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A FOUR-YEAR DEGREE PROGRAM IN HISTORIC PRESERVATION AT THE UNIVERSITY OF HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 741, transmitting S.C.R. No. 216, entitled: "SENATE CONCURRENT RESOLUTION CREATING A LEGISLATIVE TASK FORCE TO MAKE RECOMMENDATIONS FOR STATUTORY ENACTMENT TO ENHANCE TRANSPARENCY IN LEGISLATIVE PROCEEDINGS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 742, transmitting S.C.R. No. 217, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADOPT AN ORDINANCE TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM TO OBTAIN MONETARY DISCOUNTS IN PURCHASING FLOOD INSURANCE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 743, transmitting S.C.R. No. 222, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A HAWAII STATE HISTORY MUSEUM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 744, transmitting S.C.R. No. 233, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MILITARY TO MAP AND MONITOR ALL MUNITION DUMPSITES OFF HAWAIIAN SHORES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 745, dated April 13, 2006, 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. 2063, HD 1	Chair: Taniguchi Members: Espero, Kanno, Tsutsui, Hemmings
S.B. No. 2090, SD 2, HD 1	Chair: Kokubun Co-Chair: Taniguchi Member: Trimble
S.B. No. 2213, SD 2, HD 2	Chair: Inouye Co-Chairs: Espero/Hanabusa Member: Whalen
S.B. No. 2237, SD 1, HD 1	Chair: Inouye Co-Chair: Taniguchi Members: Espero, Whalen
S.B. No. 2243, SD 1, HD 1	Chair: Hanabusa Members: Chun Oakland, Whalen
S.B. No. 2244, SD 1, HD 1	Chair: Hanabusa Members: Hee, Whalen
S.B. No. 2328, SD 2, HD 2	Chair: Chun Oakland Co-Chair: Hanabusa Members: Fukunaga, Trimble
S.B. No. 2358, SD 2, HD 2	Chair: Kokubun Co-Chair: Hanabusa Members: English, Whalen
S.B. No. 2360, SD 2, HD 1	Chair: Kokubun Co-Chair: Taniguchi Members: English, Hemmings
S.B. No. 2462, SD 1, HD 1	Chair: Kokubun Co-Chair: Ige Members: Baker, English, Slom
S.B. No. 2476, SD 2, HD 3	Chair: Kokubun Co-Chairs: Hee/Taniguchi Members: Baker, Fukunaga, Inouye, Trimble
S.B. No. 2487, HD 1	Chair: Kokubun Co-Chair: Inouye Members: Hee, Whalen
S.B. No. 2550, SD 2, HD 1	Chair: Kokubun Co-Chairs: Ige/Taniguchi Members: Fukunaga, Slom
S.B. No. 2609, SD 1, HD 1	Chair: Hanabusa Members: Hee, Whalen
S.B. No. 2617, SD 2, HD 1	Chair: Chun Oakland Co-Chair: Taniguchi Members: Hooser, Ihara, Tsutsui, Trimble
S.B. No. 2667, SD 2, HD 1	Chair: Ige Co-Chair: Hanabusa Members: Inouye, Slom
S.B. No. 2720, SD 2, HD 1	Chair: Sakamoto Co-Chairs: Inouye/Taniguchi Members: Espero, Tsutsui, Hogue
S.B. No. 2753, SD 1, HD 2	Chair: Kokubun Co-Chair: Taniguchi Members: Hooser, Ige, Inouye, Hemmings
S.B. No. 427, SD 1, HD 1	Chair: Inouye Co-Chair: Hanabusa Members: Espero, Whalen
S.B. No. 695, HD 1	Chair: Hanabusa Members: Hee, Whalen
S.B. No. 951, SD 2, HD 1	Chair: Kokubun Co-Chair: Hanabusa Member: Whalen
S.B. No. 995, SD 1, HD 1	Chair: Hanabusa Co-Chair: Taniguchi Member: Whalen
S.B. No. 2006, SD 3, HD 2	Chair: Kokubun Co-Chair: Hanabusa Members: English, Hee, Whalen

S.B. No. 2901, HD 1	Chair: Inouye Co-Chairs: Ige/Taniguchi Members: Tsutsui, Whalen	10, SD1	Committee on Water, Land, & Ocean Resources
S.B. No. 2929, HD 1	Chair: Kokubun Co-Chair: Hanabusa Member: Whalen	13	Committee on Human Services, then to the Committee on Finance
S.B. No. 2930, SD 1, HD 1	Chair: Hanabusa Members: Chun Oakland, Whalen	14, SD1	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
S.B. No. 2986, SD 2, HD 2	Chair: Hanabusa Co-Chairs: Kokubun/Ige Members: Inouye, Slom	17, SD1	Committee on Housing, then to the Committee on Finance
S.B. No. 3003, SD 2, HD 2	Chair: Chun Oakland Co-Chairs: Baker/Tsutsui Members: Fukunaga, Taniguchi, Trimble	18, SD1	Committee on Housing, then to the Committee on Finance
S.B. No. 3037, SD 2, HD 2	Chair: Kokubun Co-Chair: Taniguchi Member: Hemmings	23, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation
S.B. No. 3051, SD 2, HD 1	Chair: Ige Co-Chair: Taniguchi Members: Kim, Slom	32, SD1	Committee on Legislative Management
S.B. No. 3054, SD 2, HD 2	Chair: Sakamoto Co-Chairs: Kokubun/Taniguchi Members: Chun Oakland, Tsutsui, Hogue	40, SD1	Committee on Public Safety & Military Affairs
S.B. No. 3084, SD 2, HD 3	Chair: Kokubun Co-Chair: Taniguchi Members: English, Hemmings	41	Committee on Transportation, then to the Committee on Judiciary
S.B. No. 3197, SD 2, HD 1	Chair: Sakamoto Co-Chair: Taniguchi Members: Chun Oakland, Hooser, Kanno, Nishihara, Tsutsui, Hogue	44	Committee on Transportation, then to the Committee on Finance
S.B. No. 3253, SD. 1, HD 1	Chair: Chun Oakland Co-Chair: Taniguchi Members: Fukunaga, Ihara, Slom	49, SD1	Committee on Labor & Public Employment
S.B. No. 3254, SD 2, HD 2	Chair: Chun Oakland Co-Chairs: Hanabusa/Baker Members: Fukunaga, Ihara, Trimble	50	Committee on Education
		52, SD1	Committee on Human Services
		56, SD1	Committee on Water, Land, & Ocean Resources
		57	Committee on Education
		60	Committee on Education, then to the Committee on Finance
		61, SD1	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Finance

INTRODUCTION

The following introduction was made to the members of the House:

Representative Finnegan introduced fifth grade students of Hickam Elementary, accompanied by teachers, Mrs. Shannon Tanabe-Clark and Mrs. Shelly Yoshikawa; and chaperones, Mr. Woodard, Mr. Redinger, Mrs. Kornitzer, and Mrs. Murray.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

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

S.C.R.

Nos.

Referred to:

9	Committee on Hawaiian Affairs	62, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs
		66, SD2	Committee on Housing, then to the Committee on Finance
		67, SD1	Jointly to the Committee on Human Services and the Committee on Health
		75, SD1	Committee on Education
		77, SD2	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 Human Services and the Committee on Health, then to the Committee on Finance
		85	Committee on Higher Education, then to the Committee on Finance

87, SD1	Committee on Judiciary	172, SD1	Committee on Education
89, SD1	Committee on Judiciary	173, SD1	Committee on Education
91, SD1	Committee on Public Safety & Military Affairs	176, SD1	Committee on Education, then to the Committee on Finance
93, SD1	Committee on Consumer Protection & Commerce	178, SD1	Committee on Agriculture
94, SD1	Committee on Judiciary	182, SD1	Committee on Economic Development & Business Concerns
97, SD1	Committee on Higher Education, then to the Committee on Finance	195	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing
98, SD1	Committee on Water, Land, & Ocean Resources	196, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Development & Business Concerns
106, SD1	Committee on Labor & Public Employment	199	Jointly to the Committee on Higher Education and the Committee on Hawaiian Affairs, then to the Committee on Labor & Public Employment
113, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance	200	Committee on Higher Education, then to the Committee on Finance
117, SD1	Committee on Health, then to the Committee on Finance	211	Committee on Higher Education, then to the Committee on Finance
125	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Agriculture, then to the Committee on Finance	216	Committee on Legislative Management, then to the Committee on Judiciary
128, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	217	Committee on Consumer Protection & Commerce, then to the Committee on Finance
130, SD1	Committee on Water, Land, & Ocean Resources	222, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture
131, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Higher Education, then to the Committee on Finance	233	Committee on Public Safety & Military Affairs
138	Jointly to the Committee on Higher Education and the Committee on Health		
139	Jointly to the Committee on Higher Education and the Committee on Agriculture		
140, SD1	Committee on Health		
141	Committee on Economic Development & Business Concerns		
148	Committee on Water, Land, & Ocean Resources		
149	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on International Affairs		
150	Committee on Consumer Protection & Commerce		
152, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance		
157, SD1	Committee on Higher Education		

COMMITTEE REASSIGNMENT

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

H.B. Nos.

Re-referred to:

1466, HD1, SD2	Committee on Health, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
1800, HD1, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1948, HD2, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2419, HD1, SD3	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2836, Committee on Economic Development & Business
HD1, Concerns, then to the Committee on Consumer
SD2 Protection & Commerce, then to the Committee on
Finance

3123, Jointly to the Committee on Health and the Committee
HD1, on Human Services, then to the Committee on Public
SD1 Safety & Military Affairs, then to the Committee on
Consumer Protection & Commerce, then to the
Committee on Finance

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

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
87, SD2, HD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
743, SD2, HD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1317, SD1, HD1	Committee on Judiciary, then to the Committee on Finance
2133, SD2, HD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2155, SD2, HD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2343, SD2, HD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2385, SD1, HD2	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
2550, SD2, HD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2570, SD2, HD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
3021, SD2, HD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
3181, SD2, HD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3197, SD2, HD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
3273, SD2, HD2	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

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

S.C.R.

Nos.

Re-referred to:

36 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture

159,
SD1 Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection

STANDING COMMITTEE REPORT

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1805-06) recommending that S.C.R. No. 15, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 15, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I support the goal of eliminating suffering and death from cancer by the year 2015. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 15, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH FROM CANCER BY THE YEAR 2015," was adopted, with Representatives Carroll and Stonebraker being excused.

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

The Chair announced:

"Members, before proceeding on to Announcements, we have to take up the yellow Action Sheets that we have on your desks this afternoon. So Members, at this time if you would please turn to page 47.

"The Chair at this time hereby discharges Representatives Luke and Magaoy as Co-Chair Conferees to House Bill No. 2454, HD 1, 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.

Representative Halford rose, stating:

"Mr. Speaker. I object to the motion, Mr. Speaker."

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

"Mr. Speaker. Point of order. Under Section 282 of *Mason's*, this is a non-debatable motion. Thank you."

At 12:54 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

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

"Mr. Speaker. Thank you. I just want to register my no vote Mr. Speaker, because it won't show up when it's just a voice vote and others might want to do the same thing."

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

"Thank you, Mr. Speaker. On voting for that motion, I will be voting no."

The Chair then stated:

"The motion is to suspend the rules of the House to consider certain House Bills for Final Reading by Consent Calendar, why would you vote no at this point and time?"

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

At this time, the Chair stated:

"Members, we are on the motion to suspend the rules of the House to consider certain House bills for Final Reading by Consent Calendar. There was the second. And then I asked for any questions. We had Members voicing their no votes on the motion to suspend the rules."

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

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

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

Representative Halford rose stating:

"Thank you, Mr. Speaker. I just want to clarify my no vote."

The Chair responded, stating:

"Representative Halford, there is no debate on this particular motion."

The motion was put to vote by the Chair and carried, with Representatives Finnegan, Halford, Moses, Pine and Thielen voting no. (Representatives Carroll, Saiki and Stonebraker were excused.)

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules be suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I have an objection to this motion because it indicates we're going to go ahead and vote on something that last week we disagreed with."

The Chair responded, stating:

"And now we are reconsidering our action. Yes, you're correct. Please proceed."

Representative Meyer: "That's a concern of mine because as the bills came out of both Houses, and we're dealing with our House Bills that came out of the Senate, and then we took action on the floor here Thursday ..."

Representative Takai: "Point of information. This motion is non-debatable."

Representative Meyer: "Mr. Speaker, I think this one is debatable."

Speaker Say: "For reconsideration, please proceed. Yes."

Representative Meyer: "Yes, thank you. Thank you very much."

Speaker Say: "Excuse me. Representative Meyer, you are out of order. The next motion is to the reconsider. This motion is to suspend the rules to reconsider action."

Representative Meyer: "Do I understand that you're saying that this motion is not debatable?"

Speaker Say: "Yes. This is the second motion we are making. The third motion is to move to reconsider. This motion that is before us is to suspend the rules of the House to reconsider action. So we're just asking the Members of this House to suspend the rules."

At 1:02 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 1:11 o'clock p.m.

At this time, the Chair stated:

"Members, at this time we are on the second motion which is to suspend the rules of the House to reconsider action previously taken in disagreeing to the amendments made by the Senate to certain House Bills. Representative Blake Oshiro seconded the motion. I asked for any questions. Representative Finnegan."

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

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

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

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

Representative 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, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no. (Representatives Carroll, Saiki and Stonebraker 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 to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro:

H.B. No. 1, HD 2, (SD 1)	H.B. No. 2275, (SD 1)
H.B. No. 173, HD 1, (SD 1)	H.B. No. 2346, (SD 1)
H.B. No. 877, HD 2, (SD 1)	H.B. No. 2347, (SD 1)
H.B. No. 1155, HD 1, (SD 2)	H.B. No. 2434, (SD 1)
H.B. No. 1233, HD 1, (SD 1)	H.B. No. 2443, HD 1, (SD 1)
H.B. No. 1833, HD 1, (SD 2)	H.B. No. 2454, HD 1, (SD 2)
H.B. No. 1899, HD 1, (SD 1)	H.B. No. 2457, HD 1, (SD 1)
H.B. No. 1947, (SD 1)	H.B. No. 2508, HD 2, (SD 1)
H.B. No. 1982, HD 2, (SD 1)	H.B. No. 2747, HD 2, (SD 1)
H.B. No. 1983, HD 1, (SD 1)	H.B. No. 2780, HD 1, (SD 1)
H.B. No. 1984, HD 1, (SD 1)	H.B. No. 2898, (SD 1)
H.B. No. 2050, HD 2, (SD 1)	H.B. No. 3018, HD 1, (SD 1)
H.B. No. 2192, HD 2, (SD 2)	H.B. No. 3194, HD 1, (SD 1)
H.B. No. 2207, HD 1, (SD 1)	H.B. No. 3253, (SD 1)
H.B. No. 2210, (SD 1)	H.B. No. 3257, HD 1, (SD 2)
H.B. No. 2273, (SD 1)	

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

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

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

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

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

"Mr. Speaker, I vehemently disagree."

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

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

"Without the 24-hour notice, a no vote."

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

"For the same reason, a no vote."

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

"Thank you, Mr. Speaker. I am disagreeing with this motion because I think that we should have had at least 24 hours. I do think that there's a perception ..."

The Chair interjected, stating:

"The Chair will not allow you to make references to this 24-hour issue. It was before you from last week Thursday. It was a public record, and it has met the 48-hour requirement for Final Reading decision on this particular matter. Thank you."

"Is there anyone else with a no vote on the motion to reconsider, and agree to the Senate Amendments?"

The motion was put to vote by the Chair and carried, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no. (Representatives Carroll, Saiki and Stonebraker were excused.)

FINAL READING

H.B. No. 1, H.D. 2, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1, HD 2, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

At this time, the Chair stated:

"Representative Finnegan, this is the fourth motion, and now we are making the motion to pass Final Reading."

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

"Correct. And are we going bill by bill at this point in time? Mr. Speaker, I just want to say that I'm in support, but with reservations because I haven't been able to take a look at the differences in the different bills because of the lack of notice to take a look at it. In the previous times, Mr. Speaker, you've been really good at giving us a 24-hours notice."

"We did hear this, about some of these, well this particular bill, at approximately at 10:00 or 10:15 this morning, and we tried to do the best checks that we could, or I could. And so Mr. Speaker, I will be voting with reservations. Thank you."

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

"Mr. Speaker, the objections to doing this procedure today is that we didn't have enough notice."

The Chair then stated:

"Representative Halford, the measure before you is Relating to Higher Education, which is the codification of the present statutes that are presently on the books. Please proceed if you want to speak about this particular bill."

Representative Halford continued, stating:

"Yes, Mr. Speaker. Mr. Speaker, as a point of order, during the recesses we discussed that we will be going through four motions, and the fourth motion was debatable and so we're patiently waiting for this fourth motion."

Speaker Say: "Yes, debatable on the substance of the matter, which is Relating to Higher Education."

Representative Halford: "So the issue that it's customary to have 24-hour notice is not debatable at any point today?"

Speaker Say: "At this point, it is not before this House."

Representative Halford: "Thank you."

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

"Mr. Speaker. Thank you, briefly in support. I'd just like to thank the Chairman of the Higher Education Committee, the Chairman of the Judiciary Committee, and the Chairman of the Finance Committee for supporting this measure. This measure took much work, in fact it took almost two years of work and I wanted to thank all of them, as well as all the other people that participated in this effort. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 173, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 173, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against the bill. Mr. Speaker, this is an example of why we needed the 24-hour notice, so the people that were waiting for Conference Committee to be able to weigh in, to explain why this bill should not go any further. They have now not had that opportunity. They expected that, as did we, that these measures would go to Conference Committee and everyone would be able to confer with those that are very interested in this measure."

Representative Souki rose to a point of order, stating:

"Point of order. She is not speaking to the merits or demerits of the measure."

Representative Thielen: "But the measure is ... For the Speaker Emeritus' information, the measure has many demerits."

Representative Souki: "The speaker from Kailua is being facetious and you should call her out of order."

The Chair responded, stating:

"Representative Thielen, you may proceed, but please contain your comments to the current draft, which is the Senate draft."

Representative Thielen continued:

"Thank you. Mr. Speaker, this is an important bill because it is going to narrow the number of people that would be able to be appointed to this important office. The 24-hour notice is important because then ..."

Speaker Say: "Representative Thielen, you are out of order because the Senate Draft is a draft that came from the Senate. It was approved by the Senate and sent back. The Chairs of the respective Committees have agreed that the Senate Draft amendments are proper at this point and time. If you are objecting to this particular measure, state your objections on the Senate Draft that is before this Body.

Representative Thielen: "I am objecting, but I'm also objecting to the fact that those who wanted to weigh in during Conference Committee now are prohibited from doing so, or weigh in with a 24-hour notice where they would have the opportunity to contact people.

"I think the bill should not go further. I'm very uncomfortable for other reasons, which I have stated on the Floor in this House. I think it is extremely uncomfortable to me. And Mr. Speaker, before we

vote I would ask for a recess because I would like to talk to a colleague about a potential conflict. Thank you."

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

"Thank you, Mr. Speaker. We did discuss this measure on the Floor here several times. No, I am in opposition. And I'll just start in here. In the past 38 years, the 100th, 442nd Infantry was mobilized twice for combat in Vietnam and Iraq. There were two engagements and 11 soldiers paid the ultimate sacrifice for serving their country. We will honor their families on this Floor tomorrow.

"We had many great leaders come out of the 100th and 442nd. Senator Dan Inouye, the late Senator Spark Matsunaga, Major General Bob Lee, and First Lieutenant Nainoa Hoe, to name just a few.

"Mr. Speaker, the current language in the State Constitution and Hawaii Revised Statutes is sufficient. We should not change legislation that reduces the pool of qualified candidates for this very important position. We would be going against the national trend where most states are conducting nationwide searches to fill the position of Adjutant General. The state of Rhode Island is a recent example.

"Since 1968, the 100th Battalion, 442nd from Army Reserves has served under their command and control of the 29th Brigade of the Hawaii National Guard. They joined the 29th for combat in Vietnam and most recently in Iraq. Excuse me, Mr. Speaker, do we mean to tell the citizen soldiers of the famed 100th Battalion that it is okay to go to war with the Hawaii Army National Guard, but you cannot serve at the highest levels in the Hawaii National Guard?

"Mr. Speaker, I strongly oppose House Bill 173, SD 1, for the following reasons. This bill does not serve the interest of Hawaii or the members of the Hawaii National Guard. The commander of military organizations is a technically complex and demanding job, one which has a dramatic and immediate effect on the safety, health, welfare of the officers and men.

"As such, it is vital that the leader of the National Guard be chosen from among the best, the best trained, most experienced, and most skilled available. To restrict the choice of the Adjutant to a small group of officers no matter how the group was selected, deprives the Governor of the ability to choose from among the very best. The consequences to our sons and daughters will be very bad. Bad for their safety, bad for their morale, and bad for the Hawaii National Guard, its officers, and its men and women. I urge you to pay heed to the testimony of the present Adjutant General and vote against this bill."

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

"Thank you, Mr. Speaker. In opposition. Thank you. I called the Army and National Guard, and Air National Guard and I asked them how many general officers they have. They have nine and that includes General Lee and his Adjutant.

"So basically we would limit the pool, subtracting them. This bill would limit the pool of officers to seven because I doubt very seriously that they would drop below a General officer rank to a 06 rank to select our National Guard leader.

"So I just would see that out of the seven officers, the Governor would only have to choose from them. And what if none of them have the specialty required at the time? What if it was a logistics officer that was needed? Or what if there was an officer needed with combat experience and none of these seven have this experience in their background? So for those reasons, I really don't think the pool of officer should be limited. Thank you."

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

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

"Thank you, Mr. Speaker. Just in opposition. And I agree with the speaker from Kapolei that we are reducing our pool of qualified applicants and we can't afford to do it. Additional written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition of this bill. This measure prohibits a person from being eligible to serve as Adjutant General unless the person has had at least 5 years of service as a commissioned officer in Hawaii National Guard.

"First, the current language in the State Constitution and Hawaii Revised Statutes is sufficient. We should not pass legislation that would reduce the pool of qualified candidates for this very important position. We would be going against the national trend where more states are conducting nationwide searches to fill the position of Adjutant General. The State of Rhode Island is a recent example.

"Second, with our troops answering our nation's call in the global war on terror, our national guard leadership has done a lot to show that our soldiers and airmen are equal to the active and reserve forces in our country.

"Third, I feel that the State of Hawaii needs to have the very best military leader for the position of Adjutant General. We should not limit the field of play."

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

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

"Mr. Speaker. Thank you, Mr. Speaker. I request a ruling on a potential conflict. I currently serve in the Hawaii Army National Guard as a Captain," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 173, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed Final Reading by a vote of 39 ayes to 9 noes, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 877, H.D. 2, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 877, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1155, H.D. 1, S.D. 2:

Representative M. Oshiro moved that H.B. No. 1155, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to vote with reservations please. Mr. Speaker, the House hasn't seen this bill since last year. It

actually went through a Committee on the Senate side, and now has been on the House side to be approved with the Senate amendments. And Mr. Speaker, not having seen this for the last year and having about two hours notice, I really disagree with the history, or not the history, but I don't think I can make a proper judgment on whether or not this bill is good or bad. Mr. Speaker, I will be voting with reservations because I have faith that this bill is a good bill, although with the lack of time to review it, I'll be voting with reservations. Thank you."

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

"Mr. Speaker, in favor of the bill, but I want to express my reservations that this is a surprise to a lot of people that this is coming aboard today for our consideration today. A lot of people thought this bill was dead, people in the community. And if we had had a day's notice as is customary for doing yellow Action Sheets, the community could have given input. Perhaps a lot of other Members of this Body are surprised too.

"And as the previous speaker said, I have not had the chance to review this bill. I haven't looked at it for a long, long time. So if I had had a chance to discern I might vote otherwise. But I am voting in favor. Thank you."

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

"Mr. Speaker, in support. This bill had a full hearing in CPC. And the amendments that the Senate made were very, very minor and only technical in nature. Thank you."

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

"Mr. Speaker, I'm rising with some pretty serious reservations. When we voted on Third Reading in the House, I voted no. I notice that our Republican counterparts in the Senate did not vote no. Because of the short notice we had today, I did put in a call to the Hawaii Medical Association to see how they feel about this and was unable to get in touch with somebody who could give me an answer. So for those reasons, I have strong reservations."

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

"Mr. Speaker, I rise in support. Just very briefly, when this bill returned back to us on April 11th of this year, I think we've already had six days in which to review it. And as the Chair of CPC has already said, the amendments were technical in nature. And I really sometimes just don't understand why people need to rely on others in order to have an opinion on a bill. When a bill comes back to us, I think it's our job and our duty to read these bills, understand these bills and their substance, and not necessarily rely on interested parties to determine how we should be voting. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker, I just would like to remind the Majority Floor Leader that we had 263 bills come over from the Senate. We also were working on assigning people to Conference Committees. I would really salute whoever read through every single one of those bills that came over from the Senate. I think that's kind of unreasonable.

"We were working to get people on to the Conference Committees. We have disagreed to all the bills that came over. I voted no on this bill twice, but it certainly wasn't one that stood out for me when we were assigning people to the Conference Committees because we looked at people who have served on the subject matter Committees. So still, I think the speeded up time here doesn't serve anyone well. And for those reasons, I have strong reservations."

Representative Halford rose to respond, stating:

"Thank you. Still in support. In regards to the Majority Floor Leader's remark, I must admit that most of the bills that I vote on, I decide my vote based on input from lots of people and don't just quickly have a decision made up in my mind. So I do collaborate with others, and frankly, on most of these issues that come before us."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal to the Majority Floor Leader's comments, that's what our whole process is. Our process is we take these bills, we go into Committee, and we ask for testimony from interested parties. That's what we do, Mr. Speaker. To say that we don't listen to them, or we'd like to check with people to see how they feel with the latest version of the bill, I don't think it would be a good idea to not check with different people or different interested parties. Thank you, Mr. Speaker."

Representative B. Oshiro rose to respond, stating:

"Mr. Speaker. Still in support, after those three somewhat attacks on my speech, I just wanted to clarify. I never said we don't have to collaborate. I never said that we need not seek input. All I said is people need to study the bills on their own. There's 200 bills, I don't see why people can't read them on their own. And during six days, six days, they can go get those opinions and solicit whatever is necessary. I never said that's not part of the legislative process. We do seek input from the public. That is important and that is crucial, but there is no need for us to delay when we have only 60 legislative days in which to take action. We have a short schedule and we need to move things forward."

Representative Thielen rose, stating:

"Mr. Speaker, I want to know if he is speaking to the bill."

The Chair responded, stating:

"Representative Thielen, he is responding to the comments made by your colleagues on the other side. So may we proceed on?"

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

"Thank you. Mr. Speaker, may I also note my reservations. The concern I have is this is a bill that does relate to healthcare. And it is very important to reach out and, not seek the advice from an attorney, but seek the advice from the medical profession."

The Chair then stated:

"Representative Thielen, you are out of order."

Representative Thielen continued, stating:

"Pardon me, I am saying I believe that that is important for us to do when we are considering our final vote on a measure relating to healthcare. Thank you."

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

"Thank you, Mr. Speaker. Just with reservations and slight rebuttal. Even the most minor of revisions can be important to constituencies and I think that's why we're elected. Thank you."

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

"Thank you, Mr. Speaker. With reservations. Yes, we had 263 bills to look at, and we had I think it was Good Friday or something like that, and Easter Sunday. And we only had what? These crossed over Thursday, and today is the first working day. And just this morning, we find out which bills are going to be heard instead of going to Conference. So I commend my colleague if he sat up all weekend and read all the bills he knew were going to be heard today because we sure didn't, because we weren't notified till this morning."

"I still have reservations with this bill. It allows injections and I think that should be done by a medical doctor or at least a trained nurse. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1155, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Meyer voting no, and Representatives Carroll, Saiki and Stonebraker being excused.

The Chair stated:

"Members, let's proceed on. Before we proceed on, Members of this House, there shall not be any further discussion on the procedure or process that is taking place. At this point it's just 'nitpicking' against the Majority and the Minority."

"If you're going to go with reservations, state your reservations. If you're going to vote no on the Senate Draft, vote no on the Senate Draft. But before this Body, you had the opportunity to look at all of these measures. So there shall not be any further debate on the process of 24-hours, 48-hours notice, whatsoever. You had it six days ago and it's your responsibility to digest all of these bills as it comes up."

H.B. No. 1233, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1233, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker. In opposition, please. Thank you, Mr. Speaker. This bill in particular, I did vote with reservations, I believe before it crossed over to the Senate. Now the Senate has added the amendment that actually put it back to the version before it went to Judiciary, which adds in the language of gender expression."

"Gender expression is really difficult. We may not see how it would affect life as we know it right now, but years down the line I can see people using this new language to allow people who maybe express themselves, who maybe are male, and express themselves to be female, but not knowing what that expression might be, and be able to enter into say like the Hawaiian Water Park's dressing room or showers on the female side."

"Mr. Speaker, I voted for the previous language, but I can't vote for this one. It's very loose. We don't know how to interpret it and I am strongly against this. Thank you."

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

Representative Ching 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 Sonson 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 Sonson's written remarks are as follows:

"Mr. Speaker, it has been said that living in America is an "advanced citizenship" and that if we truly wish to be free, we must be willing to understand and respect the differences between us and our fellow man, however small or great those differences may be. This measure seeks to ensure nondiscrimination in accommodations for individuals, irrespective of their sexual orientation or "perceived gender."

"Mr. Speaker, I want to clarify that as a legislator, it is not my place to pass judgment on individuals for their personal preference or personal habits. Nevertheless, I believe that this measure might be more effective if it had a provision which specifically amended Section 489-4 to read:

"The provision of separate facilities or schedules for female[~~and for~~], male, or transgender persons percieving themselves to be either female or male patrons does not constitute a discriminatory practice when such separate facilities or schedules for female[~~and for~~], male, or transgender persons percieving themselves to be either female or male patrons are bona fide requirements to protect personal rights of privacy."

"Mr. Speaker, measures such as these must be considered very carefully as they touch upon issues which are often very complex and have implications which may result in significant cost for businesses and could potentially change the structure of our society. As such, I hope that my fellow colleagues will keep this in mind as this measure is sent to the Governor for ratification.

"I thank you, Mr. Speaker, for this opportunity to speak on this measure."

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

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

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

"With reservations. I do not know what the unintended consequences of this law would be. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition. I just see all kinds of problems related to this bill. I really feel for small businesses that you know have sometimes everybody working close together and you have someone that is expressing themselves in a way that seems contrary to who they are. What would you as the boss do? Someone says that this person comes into the bathroom when they're there, and they are very sure that they are not a woman.

"We pass a law like this, I think that a lot of businesses would be up against it. We're opening it up for suits for all kind of situations. It's not clear as the bill is stated here. And how is the general public going to interpret it. I just don't think this is a good piece of legislation, and it would be nice if some of the other Members who are still on the fence would actually vote no. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. I just wanted to clarify that in the current laws, Section 489-4, there's already an exemption for facilities like bathrooms and changing rooms to protect personal rights of privacy.

"And I just wanted to let the Members know that this is similar to the law that we passed last year, the Housing Bill. And the Housing Bill also had sexual discrimination, gender identity and expression. And this bill really is trying to codify what the federal courts and State courts have found all along. And they have specifically found that sexual discrimination includes gender identity and expression. Thank you."

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

"Thank you, Mr. Speaker. In opposition. I don't know what the current statutes that the Judiciary Chair is quoting from might mean to a lawyer, but what this bill means to me is when I'm at the beach with my children and I ask the Members to put themselves in the same place. And your child comes screaming out of the shower room and says, 'Daddy, there's a whatever.' If it's a little girl and she says, 'Daddy there's a man in there,' or if it's a little boy and comes out screaming, 'There's a women in there.' What are you going to do? Because I mean, if that's the gender identity of this person, I mean after all they can go anywhere they want. But that doesn't help the children does it? Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1233, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Final Reading by a vote of 40 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Kahikina, Meyer, Moses, Pine and Stevens voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1833, H.D. 1, S.D. 2:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1833, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1899, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1899, HD 1, SD 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 would like to speak in favor of this measure.

"This measure is going to prevent some serious injuries among young moped riders by requiring those under 18 to wear a safety helmet. Mopeds are licensed like bicycles, and we require young bicyclists to wear helmets. The same logic applies to mopeds. I only wish that the title of this bill would allow for mandating the use of helmets for all motorcycle and moped operators. Traumatic head injuries are dramatically reduced by the use of safety helmets, and crashes that would almost certainly be fatalities for operators without helmets become survivable when wearing a helmet.

"Thank you, Mr. Speaker."

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:

"Thank you, Mr. Speaker. I rise in strong support of this measure. This bill requires the use of safety helmets for moped riders under the age of 18 when driving on a highway, street, or any other public property.

"Moped safety is an important issue that deserves more attention from this Legislature. This Session, I introduced measures to address various aspects important to moped safety. We, as a community, need to combat the rise in fatalities related to moped use. Head injuries sustained as a result of moped use inflict a heavy toll on our families and our society, emotionally, medically, and financially, resulting in higher healthcare costs for un-helmeted accident victims, particularly those who suffer traumatic head injuries. Additionally, taxpayer money is used for programs supporting un-helmeted accident survivors, such as the Neurotrauma Special Fund and Advisory Board. The un-helmeted moped riders' irresponsible behavior exhausts taxpayers that already carry the burden of various other expenditures.

"It is important that we protect our children through appropriate moped safety measures and this bill increases the survival rate and reduces the risk of head injuries for moped accident victims. We need to protect our youth by mandating the use of helmets when operating mopeds."

The motion was put to vote by the Chair and carried, and H.B. No. 1899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

At 1:44 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 1:45 o'clock p.m.

H.B. No. 1947, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1982, H.D. 2, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1982, HD 2, SD 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:

"For twenty-two years now, Hawaii's residents have been proud to call the little, eccentric, pug-nosed fish with the ridiculously long name our State fish. It has proudly represented our great State along with the *kukui*, our State tree; the yellow hibiscus, our State flower; the *nene*, our State bird; and the humpback whale, our State mammal. It is only fitting that we allow the *humuhumunukunuaopua`a* to take its rightful place as State fish, and allow it the permanence it deserves.

"When Joel and Dane Itomura came to me with the question, 'Why isn't the *humumu* our State fish anymore?', I thought they were joking. But they weren't, and it was their aspiration to see that their favorite fish be reinstated. These two little boys did their research, wrote testimony, and even came to the Capitol to testify before the Committee on Judiciary. Their resolve and commitment to this piece of legislation has been wonderful, and I hope that my fellow

Members of the House of Representatives will join me in supporting this important bill."

The motion was put to vote by the Chair and carried, and H.B. No. 1982, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1983, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1983, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1984, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1984, 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. This bill calls for the expungement of criminal records for those convicted of drug offenses, or at least for the application of expungement. I'm just curious as to why this specific date is chosen. Is there any statute of limitation imposed? Thank you."

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

"Thank you, Mr. Speaker. In support. I just wanted to clarify that this bill does not directly expunge records. What this does is it establishes a review committee to look at certain expungement proceedings. Thank you."

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

"In support, Mr. Speaker. Just briefly, to clarify that the comments made by the Representative from Kapolei relate to HB 2780 and not this bill."

Representative Moses rose to respond, stating:

"I stand corrected, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1984, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2050, H.D. 2, S.D. 1:

Representative M. Oshiro moved that H.B. No. 2050, HD 2, SD 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 bill will further tighten up the law we passed to protect individuals using the services of an international matchmaking organization. These individuals, almost all of whom are women, deserve to know not only the marital history of the men who are

seeking their companionship, but also to be told if these men were previously the subject of domestic abuse orders of protection.

"It does not take very much imagination to understand what could occur if a foreign woman is "matched" with a man who has a history of violence against women. The women should enter into these relationships fully informed to properly weigh the risks involved.

"I also am happy to see the amendment to require the matchmaking organizations to report annually to the Department of Commerce and Consumer Affairs. This reporting will, I hope, enable the State to keep an eye on this ethically dubious industry.

"I urge my colleagues to support this Women's Legislative Caucus measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2050, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2192, H.D. 2, S.D. 2:

Representative M. Oshiro moved that H.B. No. 2192, HD 2, SD 2, 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 bill will amend Hawaii laws concerning narcotics prescriptions to be consistent with federal law by making several clarifications to Chapter 329. The bill is quite technical in nature, but in essence it will clarify how prescriptions for narcotics must be written by physicians, and how they are transmitted to and filled by pharmacists.

"As it stands now, there are times when verbal instructions are given to pharmacists by state officials after pharmacists raise questions about particular narcotics prescriptions. In our litigious culture, pharmacists are increasingly concerned about liability that could result should the prescription process be abused when a pharmacist was following verbal instructions in good faith. I'm quick to acknowledge the fact that narcotics prescriptions are vulnerable to abuse, so the pharmacists' concerns about properly filling these prescriptions have merit.

"However, it's also important to remember that when there is confusion during the filling of a narcotic prescription and a pharmacist chooses to be cautious that the net result is a patient, who may be in great pain, will be unable to have his or her narcotic prescription filled. This unfilled prescription situation is precisely what the bill before us would seek to remedy.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 2192, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2207, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 2207, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, I rise to speak in favor of House Bill No. 2207, House Draft 1, Senate Draft 1, Relating to Sexual Assault.

"This bill would address the Hawaii Supreme Court decisions in State v. Rabago, 103 Hawaii 236, 81 P.3d 1151 and Taomae v. Lingle, 108 Hawaii 245, 118 P.3d 1188. In State v. Rabago, the Supreme Court invalidated the continuous sexual assault of a minor statute due to the Legislature's lack of authority under the Hawaii Constitution to define it. This measure is in conjunction with Senate Bill 2246 CD1 proposing a constitutional amendment to allow the Legislature to define continuous sexual assault of a minor. Senate Bill 2246 CD1 allows for the Legislature to define what behavior constitutes a continuing course of conduct and what constitutes the jury unanimity that is required for a conviction.

"Consequently, the Legislature attempted to address this issue during the session with a constitutional amendment -- later having the amendment struck down as unconstitutional in Taomae v. Lingle. The Taomae decision upends the long-standing legislative practice of amending bills to address emergency situations or new issues that occur while the Legislature is in session. Since the Legislature only has 60-days in session to conduct business, it needs flexibility to address public concerns as they arise. While Taomae struck down a constitutional amendment, the Legislature believes the decision only applies to constitutional amendments and not to all bills that are amended during the legislative process.

"The Hawaii Supreme Court is the final arbiter of the Constitution and Hawaii's laws. In an effort to comply with their recent decisions, the House proposed House Bill 2207 to define continuous sexual assault of a minor according to the Constitution. The Legislature believes that the people of Hawaii value the protection of our *keiki* and want to increase penalties for those who perpetrate crimes against them.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2207, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2210, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2273, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2273, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2275, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY

APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2346, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2347, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2434, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2443, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2443, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2454, H.D. 1, S.D. 2:

Representative M. Oshiro moved that H.B. No. 2454, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Please enter my no. I have some comments that I'd like to make for those that are intending to vote with the Majority. I'd like to just give you some numbers and some thoughts to think about.

"I think I asked this question in the past: Why now? Why now do we need to statutorily establish some process for appointments? And as I look at this bill, it's even worse than it started off with. Now we're inserting our legislative selves not only into unions, but we're inserting our legislative selves into party politics. And we're by statute, saying that you must be a member of a party for six months before you can even become eligible for an appointment for a replacement. Why are we so fearful of replacements or appointments?"

"I'm sure I can get into some of the reason why that is. But in looking at this bill which came over from the Senate, it barely made it through the Senate's Judiciary Committee, so I must commend them at least I think they may have the intelligence to see that this bill is thwart with problems.

"Let me give you some numbers. We have by I think at last count, 650,000 registered voters in the State. We have perhaps maybe, if the Majority party, which is our Democratic Party is actually doing their job, we should be at about 30,000 Democrats in this State. We

have some maybe 2,000 at the most showing up for our annual convention to elect the Party Chair, which I'm going to have the absolute joy of being there this year. And I think maybe we might get some new leadership at the Majority Party. But lets take it one step further.

"In my case for instance in my district, I have 350 registered Democrats in my district. That is not a really big pot to pick from. Of the 350, the last go around they came up with three appointments and I couldn't even get an interview, because these were made in secret behind closed doors. They were voted on, names sent up to the Governor in secret. Not voted on. I asked for the records. No secretary, no records. They're even more secret than some of the secrets I see happening in this Chamber. Now we're going to legislate an even more secret thing. You have to be a member for six months.

"So if anybody thinks that they're going to resign and they want to be able to hand select their choice, all they have to do is get somebody registered in a party six months ahead of time and quietly resign, or quietly get invited, or quietly leave and guess what we have? We have a party that gets to select a replacement. In my instance out of 350 registered Democrats.

"This is almost as bad as unionization through legislation. This is replacement through legislation. This is shameful. This is shameful. This Legislature, this Chamber will be embarrassed over and over and over again in the papers, in the business magazines on the streets. It's an embarrassment. People ask me, 'Why do you want to be there?' It's an embarrassment. It is an embarrassment, Mr. Speaker. And I hope all of those that are embarrassed, will have the guts for the first time in your life, fill out a green slip because this is not right. Thank you."

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

"Thank you, Mr. Speaker. I'll be in opposition. Mr. Speaker, replacing elected officials is important. It's important to our people. It's important to our community. This bill, Mr. Speaker, puts Party before people. Puts Party before the State of Hawaii.

"Mr. Speaker, this is asking that just a few people who are not elected, well maybe elected among the chosen few of the particular Party, who are essentially making the ultimate selection, who are certainly limiting the field to their own particular choices. These are not people that are elected at large, that the community has sanctioned.

"In fact, I would say that most people in Hawaii are not enamored with Parties. That generally distrust political Parties and this is kind of bill will lead them to distrust Parties even more. The bottomline Mr. Speaker, is that this bill ennobles Parties. It does not ennoble people. And it does not ennoble our communities of the State of Hawaii, so I'm voting no."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Halford 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 H.B. No. 2454, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Final Reading by a vote of 37 ayes to 11 noes, with Representatives Ching, Finnegan, Green, Harbin, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2457, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2457, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE

PLAN," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2508, H.D. 2, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2508, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2747, H.D. 2, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2747, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2780, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 2780, 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. This is the bill that I previously spoke on in opposition. I just request my words previous be inserted for this bill," and the Chair "so ordered." (By reference only. See H.B. No. 1984, H.D. 1, S.D. 1)

The motion was put to vote by the Chair and carried, and H.B. No. 2780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stevens voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2898, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3018, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 3018, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Caldwell's written remarks are as follows:

"I support H.B. No. 3018, H.D. 1, S.D. 1, which seeks to:

- (1) Clarify that employer contributions and Hawaii Employer-Union Health Benefits Trust Fund (EUTF) assets are irrevocable and may be used only for the benefit of employee-beneficiaries and dependent-beneficiaries; and
- (2) Authorize the EUTF board of trustees to use funds and create separate funds as a reserve against or to pay future costs of providing health and other benefits to retired employees and their beneficiaries.

Also, I wish to make clear that this measure has met all of the constitutional requirements concerning the passage of legislation.

"Senate Standing Committee Report No. 3400 (S.S.C.R. No. 3400) cites *Taomae v. Lingle*, 108 Hawaii 245 (2005), in claiming that H.B. No. 3018, H.D. 1, S.D. 1 must receive three additional readings by the House of Representatives in conformance with Article III, Section 15, of the Hawaii State Constitution before it can pass the Legislature. However, *Taomae* pertains only to the passage of constitutional amendments contained in bills that did not indicate in their titles that a constitutional amendment was being proposed. H.B. No. 3018, H.D. 1, S.D. 1, amends an ordinary statute. *Taomae* has no bearing on this bill.

"In addition, H.B. No. 3018, H.D. 1, S.D. 1, meets the standards regarding bill titles crafted by the Hawaii Supreme Court in *Schwab v. Ariyoshi*, 58 Haw. 25 (1977), and changes made to the substance of H.B. No. 3018, H.D. 1, S.D. 1 through the legislative process continue to remain true to the subject expressed in its title, "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES."

"The Senate did not attempt to give three additional readings to H.B. No. 3018, H.D. 1, S.D. 1, after substantive changes were made to the bill. After H.B. No. 3018, H.D. 1, passed First Reading in the Senate on March 9, 2006, its substance was deleted and new contents were inserted by the Committee on Labor on March 15, 2006. The Committee on Labor recommended passage of H.B. No. 3018, S.D. 1, on Second Reading and referral to a subsequent Senate committee on March 17, 2006. The Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means jointly passed H.B. No. 3018, S.D. 1, unamended on April 4, 2006, and recommended passage on Third Reading—not passage on Second Reading. The full Senate voted on April 11, 2006, to pass H.B. No. 3018, S.D. 1, on Third Reading.

"Because the Committee on Labor so drastically amended H.B. No. 3018, H.D. 1 under the reasoning expressed in S.S.C.R. No. 3400, the bill would need to have passed additional readings in the Senate before it could properly be considered to have received the requisite three readings. (Article III, Section 15, of the Hawaii State Constitution requires a bill to receive three readings in one chamber before being transmitted to the other chamber.)

"However, not one senator voted in opposition to the bill on Third Reading. It is puzzling that S.S.C.R. No. 3400 asserts that the House of Representatives must give three additional readings to a bill if it is substantially amended, while the Body of the Senate did not require such a procedure in the Senate.

"Given the history of H.B. No. 3018, H.D. 1, S.D. 1, in the Senate and its treatment by the Members of that Chamber, the Senate itself has rejected the line of reasoning in S.S.C.R. No. 3400. The House of Representatives similarly rejects such flawed thinking."

The motion was put to vote by the Chair and carried, and H.B. No. 3018, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3194, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3194, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3253, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Final Reading by a vote of 48

ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3257, H.D. 1, S.D. 2:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3257, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

At 2:00 o'clock p.m., the Chair noted that the following House bills passed Final Reading:

- H.B. No. 1, HD 2, SD 1
- H.B. No. 173, HD 1, SD 1
- H.B. No. 877, HD 2, SD 1
- H.B. No. 1155, HD 1, SD 2
- H.B. No. 1233, HD 1, SD 1
- H.B. No. 1833, HD 1, SD 2
- H.B. No. 1899, HD 1, SD 1
- H.B. No. 1947, SD 1
- H.B. No. 1982, HD 2, SD 1
- H.B. No. 1983, HD 1, SD 1
- H.B. No. 1984, HD 1, SD 1
- H.B. No. 2050, HD 2, SD 1
- H.B. No. 2192, HD 2, SD 2
- H.B. No. 2207, HD 1, SD 1
- H.B. No. 2210, SD 1
- H.B. No. 2273, SD 1
- H.B. No. 2275, SD 1
- H.B. No. 2346, SD 1
- H.B. No. 2347, SD 1
- H.B. No. 2434, SD 1
- H.B. No. 2443, HD 1, SD 1
- H.B. No. 2454, HD 1, SD 2
- H.B. No. 2457, HD 1, SD 1
- H.B. No. 2508, HD 2, SD 1
- H.B. No. 2747, HD 2, SD 1
- H.B. No. 2780, HD 1, SD 1
- H.B. No. 2898, SD 1
- H.B. No. 3018, HD 1, SD 1
- H.B. No. 3194, HD 1, SD 1
- H.B. No. 3253, SD 1
- H.B. No. 3257, HD 1, SD 2

- 30, HD1, SD2 Herkes/Arakaki/Sonson/Yamane, Co-Chrs.; Thielen
- 31, HD2, SD2 Herkes/Arakaki/Sonson/Luke/Yamane, Co-Chrs.; Thielen
- 128, HD2, SD2 Kanoho/Carroll, Co-Chrs.; Thielen
- 138, HD1, SD1 Takumi/Evans, Co-Chrs.; Berg, Ching
- 169, HD1, SD1 Abinsay, Chr.; Tsuji, Halford
- 214, HD1, SD1 Herkes, Chr.; Schatz, Marumoto
- 222, SD2 Takumi/Sonson/Kawakami, Co-Chrs.; Berg, Finnegan
- 237, HD3, SD1 Arakaki/Herkes/Luke, Co-Chrs.; Souki, Marumoto
- 266, HD1, SD2 Caldwell/Takamine, Co-Chrs.; Nakasone
- 328, SD1 Kanoho/Abinsay/Magaoay, Co-Chrs.; Halford
- 330, HD1, SD2 Abinsay/Kanoho/Magaoay, Co-Chrs.; Halford
- 386, HD1, SD1 Luke, Chr.; B. Oshiro, Marumoto
- 416, HD2, SD2 Morita/Kanoho/Carroll, Co-Chrs.; Stevens
- 434, SD1 Luke/Nishimoto, Co-Chrs.; Pine
- 439, HD1, SD2 Magaoay/Luke/Yamane, Co-Chrs.; Halford
- 466, HD2, SD2 Luke/Nishimoto, Co-Chrs.; Moses
- 471, HD2, SD2 Chang/Caldwell/Yamashita, Co-Chrs.; Marumoto
- 488, SD2 Ito/Tanaka, Co-Chrs.; Carroll, Moses
- 491, SD2 Kanoho/Carroll, Co-Chrs.; Meyer
- 584, HD1, SD1 Herkes/Luke, Co-Chrs.; Marumoto
- 588, HD1, SD1 B. Oshiro, Chr.; Luke, Thielen
- 644, HD1, SD1 Herkes, Chr.; Schatz, Marumoto
- 704, HD1, SD2 Caldwell/Takamine, Co-Chrs.; Nakasone, Meyer
- 771, HD1, SD1 B. Oshiro, Chr.; Souki, Thielen
- 833, HD1, SD1 Kanoho/Luke, Co-Chrs.; Meyer
- 842, SD1 Takumi/Evans, Co-Chrs.; Berg, Ching
- 862, HD2, SD2 Souki/Luke, Co-Chrs.; Lee, Stevens
- 868, HD2, SD1 Herkes/B. Oshiro, Co-Chrs.; Thielen
- 875, HD2, SD2 Caldwell/Takumi/Luke/Nakasone, Co-Chrs.; Thielen
- 906, HD1, SD1 Magaoay/Yamashita, Co-Chrs.; Halford
- 912, HD1, SD1 Karamatsu/Wakai, Co-Chrs.; Marumoto

ANNOUNCEMENTS

Representative Yamashita: "Thank you, Mr. Speaker. At this time, I'd like to thank everybody who participated in the Bizarre Bazaar last week. With your help we were able to raise over \$1,300 for the Hawaii Foodbank.

"In one final effort, and effort is an understatement, my staff has put together a very limited edition cookbook called, 'House Specials', which is filled with many *ono* recipes. The cookbooks are \$8 and you can call my office if you want to place your order. Again, we are requesting your support for this one final effort. Thank you very much."

Representative Shimabukuro: "Thank you, Mr. Speaker. There is going to be a pancake sale Thursday morning and I hope you all would participate. My office is going to be going around tomorrow door-to-door to take your orders, and you can also call my office. The deadline to put your order in is 3 pm tomorrow to give us time to prepare. There's going to be short stacks for \$3, and full stacks for \$5. And we have banana, whole wheat, and regular. Thank you."

ADJOURNMENT

At 2:02 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, April 18, 2006. (Representatives Carroll, Saiki and Stonebraker were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 17, 2006, 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:

954, HD1, SD2	Abinsay/Kawakami, Co-Chrs.; Halford	Tsuji,	1862, HD2, SD2	Takumi/Caldwell/Nakasone, Finnegan	Co-Chrs.;
955, HD1, SD2	Kanoho/Abinsay/Yamashita, Halford	Co-Chrs.;	1865, HD1, SD2	Takumi/Caldwell/Nakasone, Finnegan	Co-Chrs.;
957, HD1, SD1	Takamine, Chr.; Moses	Kawakami, Nakasone,	1866, HD1, SD2	Takumi/Waters/Karamatsu/Wakai, Finnegan	Co-Chrs.;
970, HD1, SD1	Ito/Chong, Co-Chrs.;	Tanaka, Moses	1867, HD1, SD2	Caldwell/Herkes/Nakasone, Stevens	Co-Chrs.;
997, HD1, SD2	Chang/Nakasone, Co-Chrs.;	Yamashita, Marumoto	1871, HD1, SD2	Luke/Herkes, Co-Chrs.;	Moses
998, HD2, SD2	Chang/Karamatsu/Takamine, Yamashita, Marumoto	Co-Chrs.;	1878, SD1	Herkes, Chr.; Schatz, Marumoto	
1033, HD1, SD2	Abinsay/Kanoho/Takamine, Yamashita, Meyer	Co-Chrs.;	1879, HD1, SD1	Ito/Chong, Co-Chrs.;	Tanaka, Moses
1082, HD3, SD2	Abinsay/Luke/Tsuji, Co-Chrs.;	Halford	1880, HD2, SD2	Souki/Lee, Co-Chrs.;	Stevens
1132, HD1, SD2	Takumi/Evans, Co-Chrs.;	Berg, Ching	1889, HD1, SD2	Hale/Karamatsu/Wakai, Co-Chrs.;	Thielen
1152, HD1, SD1	Souki/Takamine, Co-Chrs.;	Lee, Yamane, Pine	1890, HD1, SD2	Hale/Karamatsu/Wakai, Co-Chrs.;	Ching
1200, HD2, SD2	Abinsay/Karamatsu/Tsuji, Co-Chrs.;	Ching	1891, HD2, SD2	Takumi/Nakasone, Co-Chrs.;	Ching
1214, HD2, SD2	Caldwell/Luke/Takamine, Co-Chrs.;	Halford	1900, HD1, SD1	Takamine, Chr.; Carroll, Chong, Evans, Kawakami, Lee, Magaoay, Nakasone, Nishimoto, Tanaka, Tsuji, Wakai, Yamane, Yamashita, Meyer, Moses, Pine, Stevens	
1278, HD2, SD1	Kanoho/Waters/Magaoay, Co-Chrs.;	Thielen	1917, HD2, SD2	Magaoay/Luke/Yamane, Co-Chrs.;	Halford
1280, HD1, SD2	Kanoho/Carroll, Co-Chrs.;	Meyer	1918, HD1, SD2	Magaoay/Luke/Yamane, Co-Chrs.;	Halford
1360, HD2, SD2	Abinsay/Waters/Magaoay, Co-Chrs.;	Halford	1922, HD1, SD2	Chang/Yamashita, Co-Chrs.;	Marumoto
1433, SD2	Kanoho/Morita/Herkes/Evans, Meyer	Co-Chrs.;	1923, HD1, SD2	Chang/Luke/Yamashita, Co-Chrs.;	Ching
1442, HD2, SD2	Kanoho/B. Oshiro, Co-Chrs.;	Thielen	1928, HD2, SD2	Kanoho/Abinsay/Yamane, Co-Chrs.;	Meyer
1466, HD1, SD2	Arakaki/Ito/Chong, Co-Chrs.;	Pine	1935, HD1, SD1	Herkes/Luke, Co-Chrs.;	Karamatsu
1536, HD1, SD1	Kanoho/Nishimoto, Co-Chrs.;	Stevens	1948, HD2, SD2	Morita/Herkes/Yamashita, Co-Chrs.;	Ching
1590, HD2, SD2	Chang/Karamatsu/Takamine, Yamashita, Marumoto	Co-Chrs.;	1955, HD1, SD1	Morita/B. Oshiro, Co-Chrs.;	Thielen
1645, HD1, SD2	Souki/Takamine, Co-Chrs.;	Lee, Yamane, Stevens	1968, HD1, SD1	Karamatsu/Luke, Co-Chrs.;	Souki, Ching
1706, HD3, SD1	Morita/Kanoho/B. Oshiro/Evans, Thielen	Co-Chrs.;	1977, HD1, SD2	Luke, Chr.; Souki, Thielen	
1723, HD2, SD2	Karamatsu/Herkes/Chong, Marumoto	Co-Chrs.;	1995, HD1, SD2	Luke, Chr.; Sonson, Thielen	
1800, HD1, SD1	Herkes/Nishimoto, Co-Chrs.		2039, HD2, SD2	Morita/Luke/Chong, Co-Chrs.;	Thielen
1809, HD2, SD2	Ito/Souki/Chong, Co-Chrs.;	Moses	2043, HD2, SD3	Sonson/Arakaki/Takamine, Co-Chrs.	
1821, HD2, SD2	Sonson/Arakaki/Takamine, Carroll, Finnegan	Co-Chrs.;	2045, HD2, SD1	Arakaki/Waters/Nishimoto, Halford	Co-Chrs.;
1825, HD1, SD2	B. Oshiro, Chr.; Souki, Marumoto		2051, HD1, SD2	Luke/Lee, Co-Chrs.;	Pine
1843, HD1, SD2	Takumi/Abinsay/Takamine, Yamashita, Halford	Co-Chrs.;	2075, HD1, SD2	Souki/Lee, Co-Chrs.;	Moses
1861, SD1	Takumi, Chr.; Berg, Finnegan		2098, HD1, SD1	Arakaki/Sonson, Co-Chrs.;	Halford
			2109, HD1, SD2	Arakaki/Nishimoto, Co-Chrs.;	Halford
			2133, SD1	Kanoho/B. Oshiro, Co-Chrs.;	Thielen
			2145, HD2, SD1	Kanoho/Abinsay/Luke/Yamashita, Halford	Co-Chrs.;

2146, HD1, SD1	Kanoho/Abinsay/Luke, Yamashita, Halford	Co-Chrs.;	2500, HD2, SD2	Luke/Takamine, Co-Chrs.; Meyer
2153, HD2, SD2	Arakaki/Nakasone, Halford	Co-Chrs.; Tanaka,	2503, HD2, SD1	Morita/Luke/Chong, Co-Chrs.; Pine
2175, HD2, SD2	Morita/Herkes/Takamine, Magaoy, Thielen	Co-Chrs.; Ito,	2535, SD2	Herkes/Luke, Co-Chrs.; Karamatsu, Marumoto
2176, HD2, SD2	Kahikina/Nishimoto, Co-Chrs.;	Carroll, Pine	2540, HD2, SD2	Luke/Takamine, Co-Chrs.; Stevens
2179, HD2, SD2	Abinsay/Takamine, Co-Chrs.;	Carroll, Tsuji, Halford	2555, HD2, SD2	Kanoho/Yamane, Co-Chrs.; Stevens
2182, HD1, SD2	Takumi/Waters/Takamine, Nakasone, Finnegan	Co-Chrs.;	2558, HD1, SD2	Caldwell/Nakasone, Co-Chrs.; Stevens
2183, HD1, SD1	Takumi/Ito/Herkes/Nakasone, Moses	Co-Chrs.;	2587, HD2, SD2	Kanoho/Carroll, Co-Chrs.; Meyer
2199, HD2, SD1	Hale/Karamatsu/B. Oshiro, Co-Chrs.;	Ching	2595, HD1, SD2	Ito/Tanaka, Co-Chrs.; Chong, Moses
2204, HD2, SD2	Saiki/Takamine, Co-Chrs.;	Carroll, Chong, Finnegan	2619, SD1	Morita/Herkes/Takamine, Co-Chrs.; Ito, Magaoy, Pine
2211, HD1, SD1	Caldwell/Herkes/Nakasone, Stevens	Co-Chrs.;	2625, HD1, SD2	Luke/Takamine, Co-Chrs.; Stevens
2214, HD1, SD2	Souki/Herkes/Lee, Co-Chrs.;	Stevens	2626, SD1	Takamine, Chr.; Nakasone, Meyer
2239, HD1, SD2	Kahikina/Nishimoto, Co-Chrs.;	Halford	2637, HD1, SD2	Souki/Lee, Co-Chrs.; Moses
2258, HD1, SD2	Sonson/Takamine, Co-Chrs.;	Carroll, Finnegan	2639, HD2, SD2	Souki/Luke, Co-Chrs.; Stevens
2265, HD2, SD1	Ito/Caldwell/Chong, Co-Chrs.;	Moses	2669, HD1, SD2	Chang/Yamashita, Co-Chrs.; Stevens
2271, HD1, SD2	Kanoho/Abinsay/Luke/Yamane, Meyer	Co-Chrs.;	2678, HD2, SD2	Caldwell/Nakasone, Co-Chrs.; Meyer
2277, HD2, SD2	Luke/Takamine, Co-Chrs.;	Thielen	2691, SD2	Caldwell/Karamatsu/Wakai, Co-Chrs.;
2278, HD1, SD2	Luke/Takamine, Co-Chrs.;	Marumoto	2692, HD1, SD1	Caldwell/Karamatsu/Wakai, Co-Chrs.;
2282, HD1, SD1	B. Oshiro, Chr.; Caldwell, Thielen		2708, HD2, SD2	Karamatsu/B. Oshiro, Co-Chrs.;
2282, HD1, SD1	B. Oshiro, Chr.; Caldwell, Thielen		2713, HD1, SD1	Takumi/Takamine, Co-Chrs.;
2299, HD1, SD1	B. Oshiro, Chr.; Caldwell, Thielen		2715, HD1, SD2	Ito/Caldwell/Yamane, Co-Chrs.;
2313, SD1	Herkes, Chr.; Schatz, Stevens		2737, HD1, SD1	Souki/B. Oshiro, Co-Chrs.; Stevens
2315, SD2	Herkes/Yamashita, Co-Chrs.;	Marumoto	2763, HD1, SD2	Abinsay/Morita/Tsuji, Co-Chrs.;
2319, HD1, SD1	Herkes/Yamashita, Co-Chrs.;	Stevens	2771, HD2, SD1	Abinsay/Magaoy, Co-Chrs.;
2343, HD1, SD2	Ito/B. Oshiro, Co-Chrs.;	Moses	2772, HD1, SD2	Abinsay/B. Oshiro, Co-Chrs.;
2367, HD1, SD1	Caldwell/Sonson/Luke, Co-Chrs.;	Meyer	2774, HD1, SD2	Abinsay/Kawakami, Co-Chrs.;
2399, HD2, SD1	Souki/Kanoho/Lee, Co-Chrs.;	Carroll, Stevens	2778, HD2, SD2	Caldwell/Luke/Wakai, Co-Chrs.;
2410, HD1, SD2	Luke, Chr.; Caldwell, Thielen		2796, HD1, SD1	Abinsay/Herkes, Co-Chrs.;
2419, HD1, SD3	Karamatsu/Herkes/Takamine, Co-Chrs.		2805, SD1	Karamatsu/Yamane, Co-Chrs.;
2422, HD1, SD2	Souki/Luke, Co-Chrs.;	Stevens	2806, HD1, SD2	Karamatsu/Yamane, Co-Chrs.;
2423, HD1, SD1	Souki/Lee, Co-Chrs.;	Moses	2836, HD1, SD2	Karamatsu/Herkes/Takamine, Co-Chrs.;
2440, HD2, SD2	Waters/Takumi/Luke/Tanaka, Ching	Co-Chrs.;	2848, HD2, SD2	Chong, Moses
2454, HD1, SD2	Luke/Magaoy, Co-Chrs.		2878, HD1, SD1	Morita/Evans, Co-Chrs.;
			2897, HD1, SD1	Pine
				Karamatsu/Takamine, Co-Chrs.;
				Ching
				Luke, Chr.; B. Oshiro, Marumoto

2899, HD1, SD1	Luke, Chr.; Caldwell, Thielen	3256, HD1, SD1	B. Oshiro, Chr.; Luke, Marumoto
2925, HD1, SD2	Karamatsu/Wakai, Co-Chrs.; Ching	3259, HD1, SD2	Arakaki/Sonson/Kawakami, Co-Chrs.; Pine
2947, HD2, SD2	Caldwell/Nakasone, Co-Chrs.; Pine	3261, HD1, SD2	Karamatsu/Waters/Wakai, Co-Chrs.; Pine
2950, SD2	Caldwell/Nakasone, Co-Chrs.; Meyer		
2961, HD1, SD1	Takumi/Takamine, Co-Chrs.; Finnegan		House Communication dated April 17, 2006, 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:
2964, HD1, SD2	Kahikina/Nishimoto, Co-Chrs.; Pine		
2966, HD2, SD2	Kahikina/Nishimoto, Co-Chrs.; Pine		
2974, SD1	Kanoho/Tsuji, Co-Chrs.; Ching	60, SD1, HD1	Herkes/B. Oshiro, Co-Chairs; Finnegan
2987, HD1, SD2	Takumi/Takamine, Co-Chrs.; Finnegan	87, SD2, HD1	Caldwell/Luke/Nakasone, Co-Chairs
2991, HD2, SD2	Kahikina/Luke/Nishimoto, Co-Chrs.; Pine	120, SD1, HD1	Herkes, Chair; Schatz, Marumoto
3016, HD1, SD1	B. Oshiro, Chr.; Caldwell	218, SD4, HD1	Arakaki/Yamane, Co-Chairs; Carroll
3036, HD1, SD2	Karamatsu/Herkes/Chong, Co-Chrs.; Marumoto	244, SD2, HD1	Sonson/Abinsay/Waters/Nishimoto, Co-Chairs; Finnegan
3037, HD1, SD1	Souki/Luke, Co-Chrs.; Moses	427, SD1, HD1	Souki/Luke, Co-Chairs; Stevens
3056, HD2, SD2	Kanoho/Chong, Co-Chrs.; Thielen	439, HD2	Luke/Magaoy, Co-Chairs
3060, HD1, SD2	Karamatsu/Yamashita, Co-Chrs.; Ching	467, SD2, HD2	Ito/Luke/Chong, Co-Chairs; Tanaka, Thielen
3067, HD2, SD2	Karamatsu/Yamashita, Co-Chrs.; Ching	475, SD2, HD1	Sonson/Carroll, Co-Chairs
3087, HD2, SD2	Arakaki/Karamatsu/Nakasone, Co-Chrs.; Finnegan	486, SD2, HD1	Sonson/Carroll, Co-Chairs; Moses
3100, HD1, SD1	Herkes, Chr.; Schatz, Marumoto	561, SD1, HD1	Arakaki/Sonson/Lee, Co-Chairs; Finnegan
3101, HD1, SD1	Luke, Chr.; B. Oshiro, Thielen	575, SD1, HD1	Chang/Carroll, Co-Chairs; Ching
3105, HD2, SD2	Arakaki/Sonson/Herkes/Luke/Yamane, Co-Chrs.; Green, Marumoto	613, SD2, HD1	Luke/Nishimoto, Co-Chairs
3115, HD2, SD2	Morita/Herkes/Luke/Takamine, Co-Chrs.; Caldwell, Souki, Marumoto	695, HD1	Luke/Caldwell, Co-Chairs; Stevens
3116, HD2, SD2	Arakaki/Sonson/Kawakami, Co-Chrs.; Ching	696, SD1, HD2	Luke/Nishimoto, Co-Chairs
3118, HD1, SD1	Karamatsu/Herkes/Chong, Co-Chrs.; Marumoto	706, SD2, HD2	Souki/Luke, Co-Chairs; Yamashita, Moses
3121, HD2, SD1	Ito/Chong, Co-Chrs.; Tanaka, Moses	743, SD2, HD2	Herkes/Luke, Co-Chairs
3123, HD1, SD1	Arakaki/Sonson/Ito/Herkes/Chong, Co-Chrs.; Moses	744, SD2, HD1	Karamatsu/Luke, Co-Chairs
3142, HD2, SD2	Arakaki/Nishimoto, Co-Chrs.; Finnegan	751, SD2, HD2	Caldwell/Herkes/Nakasone, Co-Chairs; Stevens
3217, HD1, SD1	B. Oshiro/Kawakami, Co-Chrs.; Carroll, Pine	785, SD2, HD2	Luke/Magaoy, Co-Chairs
3225, HD1, SD1	Herkes, Chr.; Schatz, Marumoto	801, SD2, HD1	Kahikina/Nishimoto, Co-Chairs; Halford
3235, HD1, SD1	Chang/Yamashita, Co-Chrs.; Finnegan	819, SD1, HD1	Kanoho/B. Oshiro/Evans, Co-Chairs; Ching
3237, HD2, SD2	Takumi/Caldwell/Nakasone, Co-Chrs.; Finnegan	826, HD2	Ito/Luke, Co-Chairs; Moses
3242, SD1	Luke, Chr.; Souki, Thielen	845, SD2, HD2	Luke/Lee, Co-Chairs
3244, HD1, SD2	Herkes/Luke/Chong, Co-Chrs.; Moses	873, SD2, HD2	Takumi/Takamine, Co-Chairs; Ching
		895, SD1, HD2	Kanoho/Luke, Co-Chairs; Pine
		935, SD1, HD1, CD1	Karamatsu/Caldwell/Nakasone, Co-Chairs; Halford
		951, SD2, HD1	Kanoho/Luke, Co-Chairs; Thielen

959, SD2, HD1	Herkes/Nishimoto, Co-Chairs; Meyer	1792, SD1, HD1	Karamatsu/Hale/Wakai, Co-Chairs; Ching
965, SD2, HD1	Luke/Yamane, Co-Chairs; B. Oshiro	1854, SD1, HD2	Kahikina/Nishimoto, Co-Chairs; Hale, Halford
971, SD2, HD1	Chang/Herkes, Co-Chairs; Ching	1888, SD1, HD1	Caldwell/Nakasone, Co-Chairs; Stevens
982, SD2, HD1	Ito/Chong, Co-Chairs; Tanaka, Stevens	1893, HD1	Kanoho/Morita, Co-Chairs; Thielen
995, SD1, HD1	B. Oshiro/Yamane, Co-Chairs; Marumoto	1897, SD2, HD2	Kanoho/Evans, Co-Chairs; Pine
1015, SD1, HD1	Kanoho, Chair; Evans	1899, SD1, HD1	Abinsay/Tsuji, Co-Chairs
1022, SD1, HD1	Sonson/Arakaki/Carroll, Co-Chairs; Finnegan	2004, SD1, HD1	Kanoho/Saiki/Chong, Co-Chairs
1065, SD2, HD1	Abinsay/Waters/Takamine, Co-Chairs; Halford	2006, SD3, HD2	Kanoho/B. Oshiro, Co-Chairs; Meyer
1081, SD2, HD1	Kanoho/Evans, Co-Chairs; Pine	2021, SD2, HD2	Caldwell/Nakasone, Co-Chairs
1114, SD1, HD1	Morita/Evans, Co-Chairs; Marumoto	2036, SD1, HD1	Karamatsu/Hale/Wakai, Co-Chairs
1129, SD2, HD1	Herkes/Wakai, Co-Chairs; Stevens	2063, HD1	Takamine, Chair; Nakasone, Moses
1137, SD1, HD1, CD1	Herkes/Wakai, Co-Chairs; Marumoto	2065, SD2, HD1	Souki/Luke, Co-Chairs
1141, SD1, HD2	Chang/Herkes, Co-Chairs; Ching	2074, SD1, HD2	Ito/Chong, Co-Chairs; Tanaka
1193, SD1, HD1	Caldwell/Nakasone, Co-Chairs; Pine	2076, SD2, HD2	Kahikina/Herkes/Nishimoto, Co-Chairs
1201, SD2, HD3	Arakaki/B. Oshiro/Chong, Co-Chairs; Finnegan	2090, SD2, HD1	Kanoho/Magaoy/Yamane, Co-Chairs; Stevens
1221, SD2, HD1	Takumi/Takamine, Co-Chairs; Ching	2133, SD2, HD2	Arakaki/B. Oshiro/Nishimoto, Co-Chairs; Green, Waters
1223, SD2, HD1	Herkes/Yamane, Co-Chairs; Yamashita	2143, SD2, HD1	Herkes/Luke/Evans, Co-Chairs; Marumoto
1268, SD2, HD2	Abinsay/Kanoho/Magaoy, Co-Chairs; Halford	2145, SD2, HD2	Morita/B. Oshiro/Evans, Co-Chairs
1294, SD2, HD1	Saiki/Carroll, Co-Chairs	2150, SD1, HD1	Kanoho/Kawakami, Co-Chairs; Evans
1317, SD1, HD1	Luke/Nishimoto, Co-Chairs	2155, SD2, HD1	Abinsay/Kanoho/Magaoy, Co-Chairs
1461, SD2, HD1	Kanoho/Waters/Magaoy, Co-Chairs; Meyer	2158, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto
1512, SD1, HD3	Sonson/Arakaki/Luke/Tanaka, Co-Chairs	2159, SD2, HD1	Herkes/Luke, Co-Chairs; Meyer
1557, SD2, HD2	Morita/Herkes/Evans, Co-Chairs; Moses	2162, SD2, HD1	Sonson/Herkes/Carroll, Co-Chairs
1593, SD2, HD2	Kanoho/Kahikina/Yamane, Co-Chairs	2166, SD2, HD3	Arakaki/Herkes/B. Oshiro, Co-Chairs
1636, SD2, HD1	Caldwell/Takumi/Takamine, Co-Chairs; Ching	2188, SD1, HD2	Sonson/Luke, Co-Chairs
1648, SD1, HD2	Waters/Chong, Co-Chairs	2193, SD1, HD1	Herkes, Chair; Schatz, Marumoto
1650, SD2, HD1	Ito/Chong, Co-Chairs; Tanaka, Moses	2213, SD2, HD2	Chang/Luke, Co-Chairs; Ching
1695, SD2, HD2	Karamatsu/Herkes/Yamashita, Co-Chairs; Marumoto	2214, SD2, HD3	Ito/Herkes/Luke/Chong, Co-Chairs; Tanaka
1697, SD2, HD1	Souki/Waters/Wakai, Co-Chairs; Finnegan	2227, SD2, HD2	Arakaki/Sonson/Herkes/Evans, Co-Chairs; Carroll
1698, SD2, HD1	Karamatsu/Takumi/Wakai, Co-Chairs; Marumoto	2229, SD2, HD1	Takumi/Takamine, Co-Chairs; Finnegan
1747, SD2, HD1	Waters/Chong, Co-Chairs; Ching	2237, SD1, HD1	Takamine, Chair; Kawakami, Moses
1781, HD1	Ito/Tanaka, Co-Chairs; Chong, Moses	2243, SD1, HD1	Ito/Luke, Co-Chairs; Moses
		2244, SD1, HD1	B. Oshiro, Chair; Souki, Marumoto
		2246, SD1, HD2	B. Oshiro/Yamane, Co-Chairs
		2248, SD2, HD1	Luke/Herkes/Wakai, Co-Chairs

2255, SD1, HD1	B. Oshiro, Chair; Souki, Thielen	2487, HD1	Kanoho/Yamane, Co-Chairs; Stevens
2259, SD1, HD1	Luke, Chair; B. Oshiro	2492, SD1, HD1	Abinsay/B. Oshiro, Co-Chairs
2260, SD1, HD1	B. Oshiro, Chair; Luke	2499, SD2, HD2	Herkes/Yamane, Co-Chairs
2265, SD1, HD1	B. Oshiro, Chair; Luke	2501, SD1, HD1	Kanoho, Chair; Evans, Morita, Meyer
2273, SD2, HD1	Caldwell/Nakasone, Co-Chairs	2502, SD2, HD1	Arakaki/Nishimoto, Co-Chairs
2274, SD1, HD2	Caldwell/Nakasone, Co-Chairs; Stevens	2504, SD2, HD2	Arakaki/Souki/Lee, Co-Chairs
2283, SD1, HD1	Herkes, Chair; Schatz, Marumoto	2505, SD2, HD1	Arakaki/Takumi/Chong, Co-Chairs
2290, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto	2545, SD2, HD2	Herkes/Wakai, Co-Chairs
2292, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto	2546, SD1, HD2	Karamatsu/Yamashita, Co-Chairs
2293, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto	2550, SD2, HD1	Kanoho/Yamane, Co-Chairs; Stevens
2298, SD1, HD1	Herkes, Chair; Schatz	2570, SD2, HD2	Chang/Karamatsu/Yamashita, Co-Chairs
2323, SD2, HD1	Sonson/Luke/Carroll, Co-Chairs	2571, HD1	Kahikina/B. Oshiro/Nishimoto, Co-Chairs
2327, SD2, HD1	B. Oshiro, Chair; Sonson	2572, SD2, HD1	Kahikina/B. Oshiro/Nishimoto, Co-Chairs
2328, SD2, HD2	Sonson/Luke, Co-Chairs; Thielen	2575, SD2, HD1	Kanoho/Morita/Carroll, Co-Chairs; Shimabukuro
2334, SD2, HD2	Sonson/Luke/Takamine, Co-Chairs	2600, SD1, HD2	B. Oshiro/Nishimoto, Co-Chairs
2339, SD2, HD1	Arakaki/Takamine, Co-Chairs; Lee, Yamane	2603, SD1, HD1	B. Oshiro, Chair; Souki, Marumoto
2343, SD2, HD2	Arakaki/Luke/Nishimoto, Co-Chairs	2606, HD1	B. Oshiro/Chong, Co-Chairs; Pine
2348, SD1, HD1	Arakaki/Takamine, Co-Chairs	2609, SD1, HD1	B. Oshiro, Chair; Luke, Thielen
2357, HD1	Morita/B. Oshiro/Evans, Co-Chairs	2617, SD2, HD1	Sonson/Takamine, Co-Chairs; Meyer
2358, SD2, HD2	Kanoho/B. Oshiro, Co-Chairs; Meyer	2630, SD2, HD1	Arakaki/Sonson/Kawakami, Co-Chairs
2360, SD2, HD1	Kanoho/Luke, Co-Chairs; Meyer	2643, SD1, HD1	Caldwell/Nakasone, Co-Chairs; Pine
2364, SD2, HD3	Arakaki/Herkes/Chong, Co-Chairs	2652, SD2, HD2	Takumi/Caldwell/Takamine, Co-Chairs
2382, SD2, HD1	Takamine, Chair; Nakasone	2667, SD2, HD1	Chang/Luke, Co-Chairs; Marumoto
2385, SD1, HD2	Souki/Luke/Lee, Co-Chairs	2687, HD1	Kanoho/B. Oshiro, Co-Chairs; Thielen
2430, SD2, HD1	Luke, Chair; Sonson, Thielen	2688, SD2, HD2	Sonson/Luke/Chong, Co-Chairs
2433, SD2, HD1	B. Oshiro/Tanaka, Co-Chairs	2704, SD2, HD1	Takumi/Takamine, Co-Chairs; Nakasone, Finnegan
2454, SD1, HD2	Chang/Herkes, Co-Chairs; Ching	2708, SD2, HD1	Takumi/Takamine, Co-Chairs; Chong
2461, SD1, HD1	Kahikina/Nishimoto, Co-Chairs; Tanaka, Carroll	2718, SD1, HD1	Takumi/Takamine, Co-Chairs
2462, SD1, HD1	Souki, Chair; Tanaka, Halford	2719, SD2, HD1	Takumi/Takamine, Co-Chairs
2476, SD2, HD3	Kanoho/Magaoy/B. Oshiro/Yamane, Co-Chairs; Meyer	2720, SD2, HD1	Takumi/Takamine, Co-Chairs; Finnegan
2479, HD1	B. Oshiro/Tsuji, Co-Chairs; Marumoto	2725, SD2, HD1	Arakaki/Sonson/Kawakami, Co-Chairs
2480, SD1, HD1	Morita/Evans, Co-Chairs	2727, SD1, HD2	Arakaki/Nishimoto, Co-Chairs
2484, SD1, HD1	Morita/Evans, Co-Chairs	2737, SD1, HD1	Kanoho/B. Oshiro, Co-Chairs; Meyer
2485, SD2, HD2	Abinsay/B. Oshiro/Tsuji, Co-Chairs	2753, SD1, HD2	Abinsay/Kanoho/Kawakami, Co-Chairs; Halford
2486, SD2, HD1	Abinsay/Morita/Tsuji, Co-Chairs	2762, SD1, HD1	Kahikina/Luke, Co-Chairs; Pine

2773, SD3, HD2	Kahikina/Magaoy, Co-Chairs; Pine	3049, SD1, HD1	Abinsay/Herkes, Co-Chairs; Halford
2774, SD2, HD1	Kahikina/Kanoho/Magaoy, Co-Chairs	3051, SD2, HD1	Takamine, Chair; Nakasone, Stevens
2838, SD2, HD2	Takumi/Takamine, Co-Chairs	3054, SD2, HD2	Takumi/Takamine, Co-Chairs; Finnegan
2879, SD1, HD1	Ito/Chong, Co-Chairs; Tanaka	3059, SD2, HD1	Takumi/Takamine, Co-Chairs
2887, SD1, HD1	Takumi/Caldwell/Takamine, Co-Chairs; Yamashita	3065, SD1, HD1	Herkes/Yamane, Co-Chairs
2897, SD2, HD3	Karamatsu/Magaoy/Yamashita, Co-Chairs	3072, SD1, HD2	Herkes/Lee, Co-Chairs; Marumoto
2898, SD2, HD2	Arakaki/Caldwell/Nakasone, Co-Chairs	3076, SD1, HD1	Abinsay/Morita, Co-Chairs
2901, HD1	Souki/Lee, Co-Chairs; Moses	3077, SD2, HD2	Kanoho/B. Oshiro/Evans, Co-Chairs
2909, SD1, HD2	Karamatsu/Luke/Evans, Co-Chairs	3078, SD2, HD1	Abinsay/Tsuji, Co-Chairs
2913, SD1, HD1	Herkes, Chair; Schatz	3084, SD2, HD3	Kanoho/B. Oshiro/Evans, Co-Chairs; Meyer
2917, HD3	Arakaki/Herkes/Takamine, Co-Chairs	3090, SD2, HD1	Caldwell/Nakasone, Co-Chairs
2922, SD1, HD1	Luke, Chair; B. Oshiro	3101, SD2, HD2	Takumi/Caldwell/Takamine, Co-Chairs
2924, SD1, HD1	Luke, Chair; Sonson, Marumoto	3105, SD2, HD2	Morita/Herkes/Kawakami, Co-Chairs; Yamashita
2926, SD1, HD2	Ito/Chong, Co-Chairs; Tanaka	3111, SD1, HD1	Takamine, Chair; Lee, Ching
2929, HD1	Kanoho, Chair; Morita, Meyer	3114, SD2, HD2	Chang/Yamashita, Co-Chairs; Carroll
2930, SD1, HD1	Luke, Chair; Sonson, Marumoto	3119, SD2, HD1	Saiki/Kahikina/Carroll, Co-Chairs
2941, SD1, HD1	Luke, Chair; Sonson, Thielen	3120, SD2, HD1	Waters/Caldwell/Chong, Co-Chairs
2948, SD1, HD2	Saiki/Takamine, Co-Chairs; Carroll, Chong	3138, HD1	Karamatsu/Yamane, Co-Chairs
2949, SD2, HD1	Ito/Magaoy/Luke/Tanaka, Co-Chairs	3146, SD2, HD1	Arakaki/Takamine, Co-Chairs; Lee, Yamane, Carroll
2954, SD2, HD2	Abinsay/Takamine, Co-Chairs	3180, SD1, HD2	Saiki/Carroll, Co-Chairs
2956, SD2, HD2	Takumi/Takamine, Co-Chairs; Nakasone	3181, SD2, HD2	Morita/Herkes/Kawakami, Co-Chairs; Yamashita
2957, SD2, HD2	Morita/Herkes/Takamine, Co-Chairs	3186, SD2, HD2	Morita/Herkes/Luke/Takamine, Co-Chairs; Caldwell, Souki
2958, SD2, HD1	Kahikina/Takamine, Co-Chairs; Nishimoto	3192, SD1, HD2	Hale/Karamatsu/Wakai, Co-Chairs
2959, SD3, HD1	Caldwell/Waters/Nakasone, Co-Chairs	3195, SD2, HD2	Takumi/Takamine, Co-Chairs
2961, SD1, HD1	Arakaki/Nakasone, Co-Chairs; Yamashita	3197, SD2, HD1	Takumi/Caldwell/Luke/Takamine, Co-Chairs; Finnegan
2980, SD2, HD1	Caldwell/Waters/Takumi/Nakasone, Co-Chairs	3205, SD2, HD1	Sonson/Arakaki/Carroll, Co-Chairs
2984, SD1, HD1	Kahikina/Nishimoto, Co-Chairs; Hale, Halford	3215, SD1, HD2	Sonson/Ito/Chong, Co-Chairs
2986, SD2, HD2	Kanoho/Luke, Co-Chairs; Thielen	3247, SD2, HD2	Sonson/Arakaki/Carroll, Co-Chairs
2997, SD1, HD1	Karamatsu/Yamashita, Co-Chairs	3252, SD2, HD1	Arakaki/Sonson/Lee, Co-Chairs
3000, SD2, HD1	Kahikina/Kanoho/Magaoy, Co-Chairs	3253, SD1, HD1	Sonson/Arakaki/Magaoy/Lee, Co-Chairs; Halford
3003, SD2, HD2	Sonson/Arakaki/Carroll, Co-Chairs; Finnegan	3254, SD2, HD2	Sonson/Arakaki/Carroll, Co-Chairs; Pine
3009, SD2, HD2	Caldwell/Nakasone, Co-Chairs	3262, SD1, HD1	Arakaki/Luke, Co-Chairs
3011, SD1, HD1	Caldwell/Nakasone, Co-Chairs	3270, SD2, HD1	Arakaki/Sonson/Lee, Co-Chairs
3021, SD2, HD2	Caldwell/B. Oshiro/Nakasone, Co-Chairs		
3035, SD1, HD1	Caldwell/Nakasone, Co-Chairs		

3273, SD2, HD2 Takumi/Arakaki/B. Oshiro/Chong, Co-Chairs

HB No. 1982, HD 2, SD 1 HB No. 2508, HD 2, SD 1
HB No. 1984, HD 1, SD 1 HB No. 3253, SD 1

House Communication dated April 17, 2006, 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 change to the conferees on the following measure:

H.B. No. 2454, Discharged Representatives Luke and HD 1, SD 2 Nishimoto as Co-Chairs.

House Communication dated April 17, 2006, 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 change to the conferees on the following measures:

H.B. No. 3116, Added Representative Green as a member. HD 2, SD 2

H.B. No. 3121, Added Representative Yamane as a HD 2, SD 1 member.

H.B. No. 3142, Added Representative Green as a member. HD 2, SD 2

S.B. No. 120, Discharged Representative Herkes as Chair. SD 1, HD 1 Discharged Representatives Schatz and Marumoto.

S.B. No. 2188, Added Representative Green as a member. SD 1, HD 2

S.B. No. 2339, Added Representative Green as a member. SD 2, HD 1

S.B. No. 2348, Added Representative Green as a member. SD 1, HD 1

S.B. No. 2727, Added Representative Green as a member. SD 1, HD 2

S.B. No. 3181, Discharged Representative Kawakami as SD 2, HD 2 Co-Chair.
Discharged Representative Yamashita.
Added Representative Yamashita as Co-Chair.

House Communication dated April 17, 2006, 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 reconsidered its action taken on March 28, 2006 in disagreeing to the amendments made by the Senate, and has this day, agreed to the said Senate amendments, and passed the following House Bills on Final Reading:

HB No. 1983, HD 1, SD 1
HB No. 2207, HD 1, SD 1
HB No. 2898, SD 1

House Communication dated April 17, 2006, 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 reconsidered its action taken on March 31, 2006 in disagreeing to the amendments made by the Senate, and has this day, agreed to the said Senate amendments, and passed the following House Bills on Final Reading:

House Communication dated April 17, 2006, 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 reconsidered its action taken on April 4, 2006 in disagreeing to the amendments made by the Senate, and has this day, agreed to the said Senate amendments, and passed the following House Bills on Final Reading:

HB No. 877, HD 2, SD 1
HB No. 1233, HD 1, SD 1
HB No. 2434, SD 1

House Communication dated April 17, 2006, 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 reconsidered its action taken on April 6, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2780, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated April 17, 2006, 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 reconsidered its action taken on April 7, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2443, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated April 17, 2006, 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 reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, and has this day, agreed to said Senate amendments, and passed the following House Bills on Final Reading:

HB No. 1, HD 2, SD 1 HB No. 2275, SD 1
HB No. 173, HD 1, SD 1 HB No. 2346, SD 1
HB No. 1155, HD 1, SD 2 HB No. 2347, SD 1
HB No. 1833, HD 1, SD 2 HB No. 2454, HD 1, SD 2
HB No. 1899, HD 1, SD 1 HB No. 2457, HD 1, SD 1
HB No. 1947, SD 1 HB No. 2747, HD 2, SD 1
HB No. 2050, HD 2, SD 1 HB No. 3018, HD 1, SD 1
HB No. 2192, HD 2, SD 2 HB No. 3194, HD 1, SD 1
HB No. 2210, SD 1 HB No. 3257, HD 1, SD 2
HB No. 2273, SD 1

FIFTIETH DAY

Tuesday, April 18, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 9:08 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Ken Ito, after which the Roll was called showing all members present with the exception of Representatives Carroll, Luke, Meyer, Saiki, Takamine and Waters, 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. 258 through 260) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 258, dated April 12, 2006, transmitting the Department of Transportation's progress report related to the establishment of flexible highway design guidelines.

Gov. Msg. No. 259, informing the House that on April 17, 2006, the following bill was signed into law:

S.B. No. 2601, entitled: "A BILL FOR AN ACT RELATING TO DOCUMENTS SEALED UPON FILING." (ACT 008)

Gov. Msg. No. 260, dated April 13, 2006, amending the March 17, 2006 message requesting immediate consideration and passage of House Bill No. 970, Relating to Emergency Relief for Natural Disasters, in an amended form, to appropriate additional emergency funding totaling \$3,169,257 in general funds, \$29,300,000 in state highway special funds, and \$17,450,000 in general obligation bond funds, and a reduction of \$2,700,000 in federal funds for the Departments of Agriculture, Land and Natural Resources, and Transportation.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 746 through 754) were received and announced by the Clerk:

Sen. Com. No. 746, transmitting H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," which was adopted by the Senate on April 17, 2006.

Sen. Com. No. 747, transmitting H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," which was adopted by the Senate on April 17, 2006.

Sen. Com. No. 748, transmitting H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE

EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," which was adopted by the Senate on April 17, 2006.

Sen. Com. No. 749, informing the House that the Senate has, on April 13, 2006, reconsidered its action taken on April 6, 2006, 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. 2737, "RELATING TO MARINE SD 1, HD 1 INVERTEBRATES."

Sen. Com. No. 750, dated April 17, 2006, 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:

237, HD3, SD1	Hanabusa, Chair; Hee, Whalen
439, HD1, SD2	Inouye, Chair; Hanabusa/Taniguchi, Co-Chairs; Trimble
487, HD1, SD3	Inouye, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Whalen
1155, HD1, SD2	Baker, Chair; Menor, Co-Chair; Chun Oakland, Ige, Whalen
1466, HD1, SD2	Sakamoto, Chair; Baker/Tsutsui, Co-Chairs; Taniguchi, Hogue
1825, HD1, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
1833, HD1, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Kim, Slom
1861, SD1	Sakamoto, Chair; Chun Oakland, Nishihara, Hogue
1879, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue
1891, HD2, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Hooser, Hogue
1899, HD1, SD1	Inouye, Chair; Hanabusa, Co-Chair; Espero, Trimble
1917, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Slom
1918, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Whalen
1922, HD1, SD2	Kim, Chair; Taniguchi, Co-Chair; Tsutsui, Slom
1923, HD1, SD2	Kim, Chair; Tsutsui, Co-Chair; Nishihara, Taniguchi, Slom
1947, SD1	Inouye, Chair; Hanabusa, Co-Chair; Espero, Whalen
2039, HD2, SD2	Baker, Chair; Hanabusa/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen

2051, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	2540, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2075, HD1, SD2	Inouye, Chair; Taniguchi, Co-Chair; Espero, Trimble	2595, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2109, HD1, SD2	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Whalen	2625, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Whalen
2145, HD2, SD1	Kim, Chair; Kokubun/Ige, Co-Chairs; Slom	2637, HD1, SD2	Inouye, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Whalen
2153, HD2, SD2	Baker, Chair; Taniguchi, Co-Chair; Hanabusa, Tsutsui, Whalen	2639, HD2, SD2	Inouye, Chair; Hanabusa, Co-Chair; Baker, Whalen
2187, HD2, SD2	Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Taniguchi, Whalen	2669, HD1, SD2	Kim, Chair; Taniguchi, Co-Chair; Nishihara, Slom
2192, HD2, SD2	Baker, Chair; Hanabusa, Co-Chair; Whalen	2708, HD2, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Fukunaga, Whalen
2199, HD2, SD1	Inouye, Chair; English/Hanabusa, Co-Chairs; Whalen	2713, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hogue
2204, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	2737, HD1, SD1	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
2210, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Ige, Trimble	2747, HD2, SD1	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Slom
2214, HD1, SD2	Inouye, Chair; Menor/Taniguchi, Co-Chairs; Tsutsui, Hogue	2778, HD2, SD2	Inouye, Chair; Hanabusa/Taniguchi, Co-Chairs; Whalen
2239, HD1, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Whalen	2987, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Hogue
2265, HD2, SD1	Hanabusa, Chair; English, Whalen	3037, HD1, SD1	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
2273, SD1	Inouye, Chair; Taniguchi, Co-Chair; Menor, Tsutsui, Trimble	3105, HD2, SD2	Baker, Chair; Chun Oakland, Co-Chair; Fukunaga, Tsutsui, Whalen
2275, SD1	Inouye, Chair; Taniguchi, Co-Chair; Kanno, Whalen	3115, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Whalen
2277, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Slom	3121, HD2, SD1	Inouye, Chair; Taniguchi, Co-Chair; Espero, Whalen
2278, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Slom	3142, HD2, SD2	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Taniguchi, Whalen
2343, HD1, SD2	Inouye, Chair; Hanabusa, Co-Chair; Espero, Whalen	3257, HD1, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
2346, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue	3259, HD1, SD2	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui, Whalen
2347, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue		
2410, HD1, SD2	Baker, Chair; Hanabusa, Co-Chair; Whalen		
2422, HD1, SD2	Inouye, Chair; Hanabusa, Co-Chair; Espero, Whalen		
2423, HD1, SD1	Inouye, Chair; Taniguchi, Co-Chair; Fukunaga, Whalen		
2454, HD1, SD2	Inouye, Chair; Hanabusa, Co-Chair; Kanno, Whalen		
2457, HD1, SD1	Sakamoto, Chair; Inouye, Co-Chair; Kokubun, Hogue		
2500, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Kanno, Espero, Whalen		
			Sen. Com. No. 751, dated April 17, 2006, 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:
		218, SD4, HD1	Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Taniguchi, Whalen
		439, HD2	Hanabusa, Chair; Ihara, Whalen
		613, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
		696, SD1, HD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen

845, SD2, HD2	Inouye, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Whalen	2505, SD2, HD1	Baker, Chair; Sakamoto/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen
965, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Whalen	2575, SD2, HD1	Kokubun, Chair; English/Taniguchi, Co-Chairs; Slom
1015, SD1, HD1	Kokubun, Chair; Menor, Co-Chair; Hogue	2600, SD1, HD2	Hanabusa, Chair; Hee, Whalen
1294, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	2630, SD2, HD1	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Whalen
1512, SD1, HD3	Baker, Chair; Chun Oakland/Hanabusa, Co-Chairs; Fukunaga, Whalen	2718, SD1, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
1593, SD2, HD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; Slom	2719, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
1648, SD1, HD2	Sakamoto, Chair; Hee, Co-Chair; Hooser, Hogue	2725, SD2, HD1	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Ihara, Whalen
1899, SD1, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings	2727, SD1, HD2	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Taniguchi, Whalen
2004, SD1, HD1	Kokubun, Chair; Hee, Hemmings	2838, SD2, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Inouye, Hogue
2145, SD2, HD2	English, Chair; Hanabusa/Taniguchi, Co-Chairs; Kokubun, Whalen	2879, SD1, HD1	Inouye, Chair; Taniguchi, Co-Chair; Espero, Whalen
2227, SD2, HD2	Baker, Chair; Fukunaga/Menor, Co-Chairs; Ige, Whalen	2887, SD1, HD1	Sakamoto, Chair; Kanno, Co-Chair; Nishihara, Hogue
2246, SD1, HD2	Hanabusa, Chair; Chun Oakland, Hogue	2897, SD2, HD3	Inouye, Chair; Taniguchi/Fukunaga, Co-Chairs; Whalen
2259, SD1, HD1	Hanabusa, Chair; Chun Oakland, Whalen	2898, SD2, HD2	Baker, Chair; Inouye/Tsutsui, Co-Chairs; Espero, Taniguchi, Whalen
2260, SD1, HD1	Hanabusa, Chair; Hee, Whalen	2922, SD1, HD1	Hanabusa, Chair; Hee, Whalen
2265, SD1, HD1	Hanabusa, Chair; Chun Oakland, Whalen	2926, SD1, HD2	Hanabusa, Chair; Taniguchi, Co-Chair; English, Whalen
2339, SD2, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Tsutsui, Whalen	2948, SD1, HD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2343, SD2, HD2	Baker, Chair; Chun Oakland/Hanabusa, Co-Chairs; Hooser, Whalen	2949, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2348, SD1, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Tsutsui, Whalen	2954, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Hooser, Inouye, Trimble
2364, SD2, HD3	Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Taniguchi, Whalen	2961, SD1, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Fukunaga, Hemmings
2382, SD2, HD1	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Inouye, Hogue	3059, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue
2480, SD1, HD1	Kokubun, Chair; English/Taniguchi, Co-Chairs; Hemmings	3076, SD1, HD1	Kokubun, Chair; English, Co-Chair; Hemmings
2484, SD1, HD1	Kokubun, Chair; English/Taniguchi, Co-Chairs; Hemmings	3077, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; English, Slom
2485, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Trimble	3078, SD2, HD1	Kokubun, Chair; Espero/Taniguchi, Co-Chairs; English, Slom
2486, SD2, HD1	Kokubun, Chair; English/Inouye, Co-Chairs; Whalen	3105, SD2, HD2	English, Chair; Menor/Taniguchi, Co-Chairs; Hooser, Hogue
2502, SD2, HD1	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Trimble	3114, SD2, HD2	Kim, Chair; Tsutsui, Co-Chair; Espero, Taniguchi, Hemmings
2504, SD2, HD2	Baker, Chair; Ige/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen		

3119, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	1900, HD1, SD1	Taniguchi, Chair; English, Espero, Fukunaga, Hooser, Inouye, Kanno, Kim, Kokubun, Nishihara, Sakamoto, Tsutsui, Hemmings, Slom, Trimble
3138, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Hooser, Hemmings	1955, HD1, SD1	English, Chair; Ige/Hanabusa, Co-Chairs; Slom
3146, SD2, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Tsutsui, Whalen	2045, HD2, SD1	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui, Trimble
3180, SD1, HD2	Hanabusa, Chair; Ige, Co-Chair; Whalen	2146, HD1, SD1	Kokubun, Chair; Ige/English, Co-Chairs; Slom
3195, SD2, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Hooser, Hogue	2179, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
3262, SD1, HD1	Baker, Chair; Kanno/Hanabusa, Co-Chairs; Chun Oakland	2182, HD1, SD2	Sakamoto, Chair; Hee/Taniguchi, Co-Chairs; Baker, Fukunaga, Tsutsui, Hogue
Sen. Com. No. 752, dated April 17, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bill:		2183, HD1, SD1	Inouye, Chair; Sakamoto/Taniguchi, Co-Chairs; Tsutsui, Whalen
H.B. No. 3105, HD 2, SD 2	Discharged Senator Tsutsui as a conferee. Added Senator Taniguchi as Co-Chair.	2211, HD1, SD1	Kanno, Chair; Hanabusa/Taniguchi, Co-Chairs; Slom
Sen. Com. No. 753, dated April 17, 2006, 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:		2271, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
266, HD1, SD2	Kanno, Chair; Taniguchi, Co-Chair; Hanabusa	2399, HD2, SD1	Kokubun, Chair; Taniguchi/Ige, Co-Chairs; Espero, Inouye, Trimble
970, HD1, SD1	Taniguchi, Chair; Fukunaga, Inouye, Tsutsui, Hemmings	2412, HD1, SD1	Taniguchi, Chair; Tsutsui, Slom
1033, HD1, SD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; Slom	2419, HD1, SD3	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Inouye
1448, HD2, SD1	Taniguchi, Chair; Tsutsui, Co-Chair; Fukunaga, Kanno, Slom	2535, SD2	Fukunaga, Chair; Menor/Hanabusa, Co-Chairs; Hogue
1706, HD3, SD1	English, Chair; Hanabusa, Co-Chair; Whalen	2555, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Fukunaga, Inouye, Hemmings
1723, HD2, SD2	Fukunaga, Chair; Espero/Taniguchi, Co-Chairs; Ige, Tsutsui, Trimble	2558, HD1, SD2	Kanno, Chair; Chun Oakland/Taniguchi, Co-Chairs
1809, HD2, SD2	Inouye, Chair; Ige/Sakamoto, Co-Chairs; Hogue	2587, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
1843, HD1, SD2	Sakamoto, Chair; Kokubun/Taniguchi, Co-Chairs; Nishihara, Hogue	2641, HD1, SD2	Inouye, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui
1862, HD2, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Slom	2678, HD2, SD2	Kanno, Chair; Taniguchi, Co-Chair
1865, HD1, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Nishihara, Slom	2692, HD1, SD1	Kanno, Chair; Inouye/Taniguchi, Co-Chairs
1866, HD1, SD2	Hee, Chair; Sakamoto/Inouye/Taniguchi, Co-Chairs; Baker, Trimble	2715, HD1, SD2	Ige, Chair; Taniguchi, Co-Chair; Kim, Slom
1867, HD1, SD2	Kanno, Chair; Taniguchi, Co-Chair	2763, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
1880, HD2, SD2	Kokubun, Chair; Inouye/Taniguchi, Co-Chairs; Whalen	2771, HD2, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Slom
1889, HD1, SD2	English, Chair; Taniguchi, Co-Chair; Hooser	2772, HD1, SD2	Kokubun, Chair; Hanabusa, Co-Chair; Hemmings
1890, HD1, SD2	English, Chair; Taniguchi, Co-Chair; Hemmings	2774, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
		2796, HD1, SD1	Kokubun, Chair; Baker, Co-Chair; Whalen
		2805, SD1	Kokubun, Chair; Inouye/Taniguchi, Co-Chairs; Hooser, Whalen
		2806, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hooser, Slom

2836, HD1, SD2	Fukunaga, Chair; Menor/Taniguchi, Co-Chairs; Tsutsui, Hogue	2214, SD2, HD3	Inouye, Chair; Sakamoto/Taniguchi, Co-Chairs; Baker, Espero, Whalen
2848, HD2, SD2	English, Chair; Taniguchi, Co-Chair; Espero, Hemmings	2229, SD2, HD1	Sakamoto, Chair; Menor/Taniguchi, Co-Chairs; Ige, Nishihara, Hogue
2878, HD1, SD1	Kokubun, Chair; Espero/Taniguchi, Co-Chairs; Trimble	2273, SD2, HD1	Kanno, Chair; Taniguchi, Co-Chair; Slom
2925, HD1, SD2	Espero, Chair; Fukunaga/Taniguchi, Co-Chairs; Tsutsui, Hogue	2274, SD1, HD2	Kanno, Chair; Taniguchi, Co-Chair; Slom
2947, HD2, SD2	Kanno, Chair; Taniguchi, Co-Chair	2357, HD1	English, Chair; Kokubun/Hanabusa, Co-Chairs
2950, SD2	Kanno, Chair; Taniguchi, Co-Chair	2385, SD1, HD2	Inouye, Chair; Hanabusa/Taniguchi, Co-Chairs; Espero, Whalen
2952, HD1, SD2	Kanno, Chair; Inouye/Taniguchi, Co-Chairs; Tsutsui	2430, SD2, HD1	Ige, Chair; Hanabusa, Co-Chair; Baker, Slom
2961, HD1, SD1	Sakamoto, Chair; Ige/Taniguchi, Co-Chairs; Nishihara, Hogue	2433, SD2, HD1	Ige, Chair; Hanabusa/Taniguchi, Co-Chairs; Slom
2974, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Slom	2546, SD1, HD2	Kanno, Chair; Espero/Inouye/Taniguchi, Co-Chairs; Fukunaga
3056, HD2, SD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; English, Slom	2570, SD2, HD2	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Hogue
3060, HD1, SD2	Fukunaga, Chair; Espero/Taniguchi, Co-Chairs; Hogue	2643, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Hemmings
3123, HD1, SD1	Inouye, Chair; Baker/Taniguchi, Co-Chairs; Tsutsui, Whalen	2652, SD2, HD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Hogue
3235, HD1, SD1	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Tsutsui, Hogue	2704, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue
3237, HD2, SD2	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui	2708, SD2, HD1	Sakamoto, Chair; Menor/Taniguchi, Co-Chairs; Tsutsui, Slom
3244, HD1, SD2	Fukunaga, Chair; Menor/Hanabusa/Taniguchi, Co-Chairs; Whalen	2909, SD1, HD2	Ige, Chair; Inouye/Hanabusa, Co-Chairs; Kim, Hogue
3261, HD1, SD2	Espero, Chair; Taniguchi, Co-Chair; Fukunaga, Tsutsui	2941, SD1, HD1	Hanabusa, Chair; Chun Oakland, Whalen
Sen. Com. No. 754, dated April 17, 2006, 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:		2956, SD2, HD2	Sakamoto, Chair; Hee/Taniguchi, Co-Chairs; Kanno, Hogue
87, SD2, HD1	Kanno, Chair; Sakamoto/Taniguchi, Co-Chairs; Tsutsui, Slom	2959, SD3, HD1	Hee, Chair; Taniguchi/Ige/Kanno, Co-Chairs; Inouye, Hemmings
785, SD2, HD2	Fukunaga, Chair; Hanabusa, Co-Chair; Ihara, Hogue	2980, SD2, HD1	Sakamoto, Chair; Hee/Taniguchi, Co-Chairs; Tsutsui, Hogue
2021, SD2, HD2	Kanno, Chair; Taniguchi, Co-Chair; Slom	2997, SD1, HD1	Inouye, Chair; Fukunaga/Taniguchi, Co-Chairs; Tsutsui, Hogue
2036, SD1, HD1	Fukunaga, Chair; Espero/Taniguchi, Co-Chairs; Tsutsui, Hogue	3011, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Whalen
2065, SD2, HD1	Inouye, Chair; Ige/Menor, Co-Chairs; Slom	3090, SD2, HD1	Kanno, Chair; Taniguchi, Co-Chair; Slom
2074, SD1, HD2	Ige, Chair; Taniguchi, Co-Chair; Kim, Tsutsui, Slom	3101, SD2, HD2	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui
2150, SD1, HD1	Espero, Chair; Kokubun/Taniguchi, Co-Chairs; Trimble	3111, SD1, HD1	Fukunaga, Chair; Taniguchi, Co-Chair; English, Hogue
2190, SD1, HD2	Kanno, Chair; Taniguchi, Co-Chair; Espero, Menor, Hemmings	3120, SD2, HD1	Hee, Chair; Taniguchi, Co-Chair; Inouye, Trimble
		3192, SD1, HD2	English, Chair; Taniguchi, Co-Chair; Hemmings

3270, SD2, HD1	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui, Whalen	55	Committee on Consumer Protection & Commerce
3273, SD2, HD2	Sakamoto, Chair; Baker/Hanabusa, Co-Chairs; Tsutsui, Hogue	137	Committee on Water, Land, & Ocean Resources
		147	Committee on Public Safety & Military Affairs

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 63) was received by the Clerk and was placed on file:

Dept. Com. No. 63, from the Employees' Retirement System of the State of Hawaii, transmitting the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2005.

INTRODUCTIONS

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

Representative Cabanilla introduced Kansas City Councilwoman Sandra McFadden-Weaver of Kansas City, Missouri; Dr. Marty Stone, Ph.D., a consultant of the Tampa-Hillsborough County Tollway Authority; Dr. Brian Taylor, Ph.D., Associate Professor and Vice Chair of Urban Planning and Director of the Institute of Transportation Studies, UCLA; and former Honolulu City Councilwoman Rene Mansho. The were accompanied by Dale Evans and Darcianne Evans of the Hawaii Highway Users Alliance.

Representative Arakaki, in dedication to former 'Kalihi boy' and Honolulu Chief of Police, the late Michael Nakamura, introduced the student leaders and their teachers and advisors from the following Kalihi area schools:

Dole Middle School and teacher Pat Matsumoto;
Kalihi Waeana Elementary School and Michael Kawamoto, Maria Passi, Liana Jucusan;
Kalihi Uka Elementary School and Kenneth Chang, SandyYap Lorna Tamayo, and Dean Miyoata; and
Kalihi Elementary School and Sherilyn Waters.

Representative Abinsay then introduced the student leaders and their teachers of other Kalihi area schools:

Farrington High School and Jessie Nakanishi;
Kalakaua Middle School and Carole Tanji;
Fern Elementary School and Susan Otaguro and Jon Otaguro; and
Pu'uhale Elementary School and Mary Sueoka and Dean Sueoka.

Representative Finnegan, on behalf of Representative Wakai and herself, introduced student leaders of Moanalua Elementary School and their teacher, Jeffery Wong.

Representative Marumoto introduced Ms. Hanna Keikiokalani Thomas, Miss Hawaii Teen 2006, a junior at Kamehameha Schools. She was accompanied by her parents, Jan and Bob Thomas; her sister, Micaela Thomas of Kaiser High School; and Representative Marumoto's husband, Mr. Richard Coons.

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:

ANNOUNCEMENT

Representative Sonson, for the Committee on Human Services requested a waiver of the 48-hour advance notice requirement to hear:

S.C.R. No. 81, Urging the Department of Human Services to Eliminate the Concept of Positive Enrollment from the Recently Issued Quest Request for Proposal; and

S.C.R. No. 77, Requesting the Legislative Reference Bureau to Conduct Two Studies of Recommended Procedures that will Ensure that State-Funded Health Care Payments Adequately Reimburse Providers Who Provide Services for, First, Medicaid or Quest Recipients and, Second, for Injured Employees Under Workers Compensation Insurance,

The measures were scheduled for tomorrow at 4:00 p.m. in Conference Room 229, and the Chair "so ordered."

At 9:23 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 329, met in Joint Session with the Senate, for the Hawaii Medal of Honor Ceremony.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Third Legislature was called to order pursuant to Concurrent Resolution at 10:04 o'clock a.m. by the Honorable Calvin K.Y. Say, Speaker of the House of Representatives.

The Speaker of the House of Representatives addressed the Members and audience, stating:

"This is indeed a momentous occasion. A first of its kind called to honor members of the Hawaii National Guard, the United States Military Reserves and members of the Regular Armed Forces of the United States with ties to Hawaii, who fought and died bravely, in a combat zone designated by Presidential Order.

"On behalf of the Senate President and all of the Members of the Hawaii State Legislature, I convey our deepest condolences to our very special guests – the family, friends and colleagues of loved ones, who have lost their lives overseas in the Middle East. Our prayers are with you, and we are honored by your presence."

The Members of the House of the Hawaii State Legislature, guests, and audience rose for the presentation of our Nation's and our State's Colors by the Joint Services Color Guard and the Hawaii Air National Guard Royal Guard. The singing of the National Anthem and *Hawaii Pono'i* was led by Ms. Traci Toguchi, followed by a *pule* and invocation delivered by Mr. Ray Ganotise.

At this time, House Speaker Say delivered the following remarks:

"Mahalo, Joint Services Color Guard, Royal Guard, Ms. Traci Toguchi, and Mr. Ray Ganotise. Your participation in today's ceremony is greatly appreciated. You may all be seated at this time.

"Today is a day where we have put aside our political and philosophical differences, to come together as one Body to honor these brave men and women. Our Nation – the whole world – has been wounded deeply by the destruction caused by the enemies of peace, freedom and human rights. As Americans, we are a strong people. United in our resolve. Respectful of our differences. Taking strength from our diversity and richness of our cultures.

"As Americans, we will not allow our resolve to waiver in the wake of the loss of our loved ones. Although their premature demise is very painful, and at times almost incomprehensible, take comfort in knowing that our Hawaii warriors were well-trained, and battle ready. They understood the risks. And yet, they proudly wore their battle fatigues, and carried our Nation's flag, and courageously departed and set their course into a hell called war.

"While I did not personally know any of the warriors being honored today – as a father of two young men – if I were seated in this Chamber among you, instead of standing here on this podium, I know my sadness would be tempered by pride. I would be proud to the core of my soul, that my loved one sacrificed his life or her life to allow the rest of us surviving – to live in a democracy, unfettered by fear.

"In the end, what matters most, is that each fallen warrior made a difference. They gave us the greatest gift of all – freedom. Freedom to enjoy everyday pleasures. Watching the sunset. Listening to the familiar ebb and flow of the ocean. Smelling the plumeria blossoms in full bloom. And knowing that tomorrow will be yet another beautiful day in paradise."

At this time, the Speaker of the House introduced the following dignitaries seated on the floor of the House:

- The Honorable Linda Lingle, Governor of the State of Hawaii;
- The Honorable James R. Aiona, Jr., Lieutenant Governor of the State of Hawaii;
- The Honorable Daniel K. Akaka, United States Senator;
- The Honorable Ed Case, United States House of Representatives;
- Admiral Gary Roughead and Mrs. Ellen Roughead, United States Pacific Fleet;
- Lieutenant General Daniel P. Leaf, United States Pacific Command;
- Lieutenant General John M. Brown and Mrs. Elaine Brown, United States Army Pacific;
- Lieutenant General John Goodman and Mrs. Gayle Goodman, United States Marine Corps, Pacific Forces; and
- Major General Robert G.F. Lee, Hawaii State Department of Defense.

The Speaker of the House then directed the Clerk of the House to note the receipt of a correspondence from Hawaii Senator Daniel K. Inouye noting: "Uncommon courage. Devotion to duty. Love of our country. And the ultimate sacrifice of the 120 Hawaii Medal of Honor recipients."

DANIEL K. INOUE
HAWAII
APPROPRIATIONS
Subcommittee on Defense Planning/Military
COMMITTEE ON ARMED SERVICES
MEMORIALS, STATUES, AND COORDINATION
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate
3015 JEFFERSON BUILDING
WASHINGTON, DC 20510-1102
(202) 224-2334
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April 18, 2006

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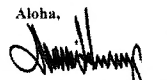
Hawaii Medal of Honor Ceremony
Special Joint Session of the Hawaii State Legislature
Hawaii State Capitol - House Chamber
Honolulu, Hawaii

Dear Friends:

Uncommon courage. Devotion to duty. Love of our country. The ultimate sacrifice. These qualities define the special men and women we honor today as the first recipients of the Hawaii Medal of Honor.

They served our nation with distinction, believed in our country's democratic ideals, and upheld the highest standards of the U.S. military. Their unwavering service to our beloved country during Operation Iraqi Freedom and Operation Enduring Freedom will not be forgotten.

While my schedule has taken me away from Hawaii and prevented me from joining you today, please know that I am here in spirit. I share with the families of the 120 medal recipients their pride in knowing that their loved ones embodied the best qualities of the United States of America. On behalf of a grateful nation, we salute and honor them. I wish you Godspeed and, God Bless America.

Aloha,

DANIEL K. INOUE
United States Senator

At this time, House Speaker Say called upon the Honorable Linda Lingle, Governor of the State of Hawaii, to deliver her remarks.

The Governor then addressed the Joint Session as follows:

"Mr. Speaker, Mr. President, Members of the Legislature, General Lee, families of our heroes, veterans, members of the armed services. It is for a very sad but noble purpose that we're gathered here today. I want to thank all those in the Legislature who took the time to plan, to carry out this event. It's an appropriate event for Hawaii because it doesn't just recognize those who were born and raised in Hawaii, or those who grew up here, or those who went to school here, but everyone who was touched, and who touched Hawaii. Those who were stationed here from all parts of the country. All are included today in our *ohana* and it's important to pause today to remember all of them.

"I didn't know any of the heroes personally, but I have come to know many of the families by attending various funerals and services throughout this war on terror. I remember sitting with a mother of a young soldier, a soldier who had been so close to her church that she left her life insurance policy to the church, a young woman who wanted to become a nun. She had come here from the Philippines as a youngster, and had gone to high school here.

"I remember sitting with the wives of the Marines. One Navy man who was shot down in Afghanistan, and I sat with them and with their infant children in a small, modest military housing. And I watched them deal with their lives, with their children, who would never know their fathers, and I hoped that the children would one day appreciate the sacrifice that their father had made, and that their mother made for our country.

"And I especially remember sitting with the family of one of our National Guardsman from Hawaii. I was sitting in their modest home and listening to them talk about their beloved son. Not only the parents, but his brother and his grandparents, who had raised him from a small boy. He was the apple of their eye.

"It's not an easy thing to sacrifice the way you have for our country. So we pause today to spend a few minutes to let you know how appreciative we are, although we can never, never take away the pain that you feel. In our small way we want you to know that we will always remember your loved one as a member of the *ohana* here in Hawaii.

"And I remember a day, General Goodman, when we were out in Kaneohe. And I'm not certain you remember our conversation, but it stuck with me since that day and I carry it with me today as an embodiment of what we were talking about.

"It was another funeral, another memorial service. There were four Marine families there that day from all parts of America, who had come to Kaneohe to participate in a memorial service. Although I didn't know any of the Marines, they didn't go to school here, they didn't grow up here. But I wanted their parents to know, how much the people of Hawaii appreciated their sacrifice on our behalf so we can gather in freedom the way we are today.

"And one of the speakers that day, he was so eloquent. I don't remember if he was a Colonel or what this rank was exactly, but his remarks touched me so deeply that I went up to General Goodman afterwards and I commented to him about how touching and poignant the remarks were. And General Goodman said to me that day, you know after Vietnam, of which he is a veteran. He said, 'In Vietnam, we went over as bunch of individuals. We came home as a bunch of individuals.' And we all know those of us of a certain age, know how they were greeted when they came home, and most of us are ashamed by it today. But General Goodman said to me that day, that after Vietnam, he said, 'We promised ourselves that we would never again let that happen in America. That we would go together. We would come home together. And we would honor everyone who sacrificed for our country, for our freedom, for our way of life.'

"And today is an embodiment of that idea. That they weren't a bunch of individuals. They were great Americans, who were part of our *ohana*, here in Hawaii. We honor them. We thank the families for their sacrifice knowing there's nothing we can do that's going to take away the pain and the emptiness that you feel. But we still want to make this attempt to let you know, how deeply we appreciate what your son, your daughter, your husband, your aunt, your uncle. We want you to know, we appreciate what they did for us as Americans, so that our way of life could continue."

House Speaker Say thanked Governor Lingle, and then called upon Major General Robert Lee to deliver his remarks.

Major General Lee then addressed the Joint Session as follows:

"Good morning and Aloha. We are a nation blessed with the finest military in all of human history. And we have been blessed by great minds with great strength and determination that enables the United States of America to be the world's leader and liberator of oppressed people.

"To become the world's finest military, we have trained our forces better and harder than any other nation, and our forces are better equipped than any other nation. We are faced with difficult and challenging training. Long separations from our families and loved ones. And we are challenged with great responsibilities and commitment but in our profession of arms, there is nothing more difficult than losing one of our own.

"However that degree of difficulty cannot be compared to the anguish suffered by family members who lose a loved one on the field of battle, and this time in Afghanistan and Iraq. We can only imagine the pain of losing a son or daughter, husband or wife, father or mother, while they served our nation in harm's way. This pain can be only lessen over time, if at all. We cannot truly feel their pain, nor can we in any way make up for that loss.

"As President Ronald Regan so eloquently stated, 'Our young friends, in our hearts you'll always be young. Full of the love that is youth, love of life, love of joy, love of country. You fought for your country, for its safety, and for the freedom of others with strength and courage. We honor you today.'

"The State Medal of Honor is Hawaii's way in which we can remember that ultimate sacrifice to show our appreciation to the families, and to assure them, that they will always be part of this State's *ohana*.

"A circle of *kalo* or taro leaves is part of the Hawaii Medal of Honor. The word *ohana* is derived from *kalo*, and the circle is emblematic of the embrace of the people of Hawaii. Whether a fallen Soldier, Sailor or Marine, grew up in Hawaii or were members of units based in Hawaii, he is still remember and will always be a part of our *ohana*.

"The star and the coat of arms of the Medal represents the 50th State's star on American flag, and also represents today, the person who is being honored. But the star also evokes a symbol of America's past. In World Wars I and II, families that had a member of the Armed Forces would display a blue star on a banner or a flag. If a service member from that family was killed in action, a gold star was often displayed in a window facing the street to let the neighborhood know that the life of a hero who had grown up there had been taken. Today this Medal is a token of gratitude from the State of Hawaii, proclaiming to all that this is a family of a fallen hero.

"There's no greater sacrifice a family can make than the loss of their Soldier, Sailor, Airmen, or Marine while in service to our nation. And there is no greater honor, which we the people of Hawaii can bestow upon that family to symbolize this sacrifice.

"There is an attachment device at the middle of the red and yellow ribbon and it is a rendering of the ancient *puela* or flag. This ancient flag was raised at sea above the Hawaiian sailing canoes and all who saw the *puela* from afar, knew that a person of the highest rank or honor was coming. Today this service ribbon and its attachment will remind us that these families or of the highest rank and honor.

"To paraphrase President Abraham Lincoln at Gettysburg, when brave Soldiers, Sailors, Airmen, and Marines die, it is their deeds not our words, that are remembered. It is their sacrifice that offers everlasting testimony to a love for others, and their love for us.

"To the families of our fallen heroes, I humbly ask that you accept this Hawaii Medal of Honor on behalf of the people of Hawaii who today, and forever, shall be your devoted *ohana*. May God bless all of you, and may God continue to bless the United States of America."

At this time, the Speaker of the House and the President of the Senate presented the Hawaii Medal of Honor. Governor Lingle and Major General Lee expressed condolences on behalf of the people of Hawaii to the representatives receiving the Hawaii Medal of Honor.

The Clerk of the House of Representatives announced the names of the Hawaii Medal of Honor recipients, which was followed by the ringing of the memorial bell.

United States Army Sergeant Eugene Williams.
Sergeant Williams was 24. His wife and children are from Waipahu, Oahu. Here to receive his medal is his wife and child, Brandy Williams.

United State Army Sergeant First Class Kelly Bolor.
Sergeant First Class Bolor was 37. He grew up in Lahaina, Maui. Here to receive his medal is his wife, Kelly Jean Bolor.

United States Army Chief Warrant Officer Ian D. Manuel.

Chief Warrant Officer Manuel was 23. He was born in Hawaii. Here to receive his medal is his mother, Tita Derrow

United States Army Specialist Philip L. Witkowski. Specialist Witkowski was 24. He served with the 3rd Battalion, 7th Field Artillery from Schofield Barracks. Here to receive his medal is his wife, Tina Witkowski.

United States Army Staff Sergeant Todd E. Nunes. Staff Sergeant Nunes was 29. He served with the 1st Battalion, 21st Infantry Regiment from Schofield Barracks. Here to receive his medal is his wife, Christy Nunes.

United States Army Sergeant Daniel Lee Galvan. Sergeant Galvan was 30. He served with the 2nd Battalion, 25th Aviation Regiment from Schofield Barracks. Here to receive his medal is his wife, Sonya Galvan.

United States Army Specialist Wesley R. Wells. Specialist Wells was 21. He served with the 2nd Battalion, 27th Infantry from Schofield Barracks. Here to receive his medal is his wife, Jonalyn Wells.

United States Army Private First Class Joshua Kuile Paul Titcomb. Private First Class Titcomb was 20. He grew up in Waianae, Oahu. Here to receive his medal is his mother, Elizabeth Titcomb.

United States Army Specialist Kyle K. Fernandez. Specialist Fernandez was 26. He grew up in Pearl City, Oahu. Here to receive his medal is his wife, Celeste Fernandez.

United States Army Captain Christopher B. Johnson. Captain Johnson was 29. He served with the 1st Battalion, 25th Aviation Regiment from Schofield Barracks. Here to receive his medal is his friend, Captain David Barber.

United States Marine Corps Private First Class John Lukac. Private First Class Lukac was 19. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Helena Lukac.

United States Marine Corps Lance Corporal Andrew G. Riedel. Lance Corporal Riedel was 19. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is family friend, Jessica Trujillo.

United States Navy Petty Officer Julian Woods. Petty Officer Woods was 22. He served with the 3rd Marine Division Detachment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his cousin, Sergeant Major Raymond Arnold.

United States Marine Corps Sergeant Rafael Peralta. Sergeant Peralta was 25. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Rosa Peralta.

United States Marine Corps Corporal Michael R. Cohen. Corporal Cohen was 23. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his friend, Sergeant Catcher Custtherope.

United States Army Lieutenant Colonel Michael J. McMahon. Lieutenant Colonel McMahon was 41. He served with the 3rd Squadron, 4th Calvary Regiment from Schofield Barracks. Here to receive his medal is his friend, Chief Warrant Officer 4 Jeff Bradshaw.

United States Marine Corps Lance Corporal Blake A. Magaoay.

Lance Corporal Magaoay was 20. He is a graduate of Pearl City High School on Oahu. Here to receive his medal is his father, Tony Magaoay.

United States Army First Lieutenant Nainoa K. Hoe. First Lieutenant Hoe was 27. He was from Kailua, Oahu. Here to receive his medal is his brother, Sergeant Nakoa Hoe.

United States Marine Corps Staff Sergeant Brian D. Bland. Staff Sergeant Bland was 26. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Beverly Arntson.

United States Marine Corps Lance Corporal Jonathan E. Etterling. Lance Corporal Etterling was 22. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his father, William Etterling.

United States Marine Corps Sergeant Michael W. Finke, Jr. Sergeant Finke was 28. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Sally Rapp.

United States Marine Corps Corporal Kyle J. Grimes. Corporal Grimes was 21. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Marybeth LeVan.

United States Marine Corps Lance Corporal Brian C. Hopper. Lance Corporal Hopper was 21. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his father, Robert Hopper.

United States Marine Corps Corporal Sean P. Kelly. Corporal Kelly was 26. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii in Kaneohe. Here to receive his medal is his brother-in-law, Paul Jenkins.

United States Marine Corps Corporal James L. Moore. Corporal Moore was 24. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his father, Garry Moore.

United States Marine Corps Lance Corporal Darrell J. Schumann. Lance Corporal Schumann was 25. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Mary Schumann.

United States Marine Corps Corporal Matthew R. Smith. Corporal Smith was 24. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Colleen Parkin.

United States Marine Corps Lance Corporal Joseph B. Spence. Lance Corporal Spence was 23. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his friend, HM2 Mandi Anderson.

United States Army Private First Class Stephen A. Castellano. Private First Class Castellano was 21. He served with the 1st Battalion, 14th Infantry Regiment from Schofield Barracks. Here to receive his medal is his grandmother, Cecelia Moncure.

United States Marine Corps Lance Corporal Sean P. Maher. Lance Corporal Maher was 19. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Janet Maher.

United States Army Private First Class Kevin S.K. Wessel.

Private First Class Wessel was 20. He is a graduate of Assets School on Oahu. Here to receive his medal is his father, Paul Wessel.

United States Marine Corps Lance Corporal Kevin B. Joyce. Lance Corporal Joyce was 19. He served with the 2nd Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his uncle, Emerson George.

United States Navy Machinist's Mate 2nd Class (SEAL) Shane E. Patton.

Machinist's Mate 2nd Class Patton was 22. He served with the SEAL Delivery Vehicle Team One at Pearl Harbor. Here to receive his medal is his father, James J. Patton.

United States Navy Quartermaster 2nd Class (SEAL) James Suh. Quartermaster 2nd Class (SEAL) Suh was 28. He served with the SEAL Delivery Vehicle Team One at Pearl Harbor. Here to receive his medal is friend, Al Schafer.

United States Army Sergeant Deyson K. Cariaga. Sergeant Cariaga was 20. He is a graduate of Roosevelt High School on Oahu. He served with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his mother, Theresa Inouye.

United State Army Specialist Ray M. Fuhrmann II. Specialist Fuhrmann was 28. He was born in Honolulu and raised in Volcano on the Big Island. Here to receive his medal is his father, Michael Fuhrmann.

United States Marine Corps Lance Corporal Phillip C. George. Lance Corporal George was 22. He served with the 2nd Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Penny George.

United States Army Sergeant Alfredo B. Silva. Sergeant Silva was 35. He served with the California National Guard and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his wife, Cecilia Silva.

United States Army Sergeant Evan S. Parker. Sergeant Parker was 25. He was from Kansas and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his cousin, Christopher Dunlap.

United States Army Colonel William W. Wood. Colonel Wood was 44. He served with the California National Guard and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his daughter, Rachel Wood.

United States Army Captain Raymond D. Hill II. Captain Hill was 39. He served with the California National Guard and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his father, Ray Hill.

United States Army Sergeant Wilgene T. Lieto. Sergeant Lieto was 28. He served with Saipan's Company E of the 100th Battalion, 442nd Infantry Regiment and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his wife, Tiara Evangelista-Lieto.

United States Army Specialist Darence W. Jack. Specialist Jack was 31. He served with Saipan's Company E of the 100th Battalion, 442nd Infantry Regiment and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his wife, Melisa Jack.

United States Marine Corps Sgt. Daniel A. Tsue. Sergeant Tsue was 27. He is a graduate of Kahuku High School on Oahu. Here to receive his medal is his father, Richard Tsue.

United States Army Sergeant Myla L. Maravillosa.

Sergeant Maravillosa was 24. She grew up in Wahiawa, Oahu. Here to receive her medal is her mother, Lita Maravillosa.

United States Marine Corps Private Lewis T.D. Calapini. Private Calapini was 21. He grew up in Waipahu, Oahu. Here to receive his medal is his mother, Mrs. Helen Calapini.

United States Marine Corps Private First Class Matthew L. Bertolino.

Private First Class Bertolino was 20. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his friend, Staff Sergeant Martin Knott.

The President of the Senate then directed the Clerk of the Senate to proceed with the reading of the names of the other Hawaii Medal of Honor recipients.

Staff Sergeant Cameron B. Sarno

Chief Warrant Officer Sharon Swartworth

Second Lieutenant Jeremy Wolfe

Private First Class Ernest H. Sutphin

Private First Class John D. Amos II

Staff Sergeant Oscar D. Medina

Specialist Ramon C. Ojeda

Corporal David M. Fraise

Specialist Joseph F. Herndon II

Specialist Joseph C. Thibodeaux III

Private First Class Jeungjin Nikky N. Kim

Staff Sergeant Brian S. Hobbs

Chief Warrant Officer 3 William I. Brennan

Lance Corporal Richard P. Slocum

Corporal Billy Gomez

Lance Corporal Jeremy D. Bow

Lance Corporal John T. Byrd II

Sergeant Kelley L. Courtney

Lance Corporal Travis A. Fox

Corporal Christopher J. Lapka

Lance Corporal Michael P. Scarborough

Lance Corporal Aaron C. Pickering

Lance Corporal David M. Branning

Lance Corporal Brian A. Medina

Private First Class Jose Ricardo Flores-Mejia

Specialist Daniel James McConnell

Lance Corporal Michael A. Downey

Corporal Jacob R. Fleischer
 Corporal Dale E. Fracker, Jr.
 Chief Warrant Officer 2 Travis W. Grogan
 Specialist Harley D.R. Miller
 Specialist Isaac E. Diaz
 Specialist David P. Mahlenbrock
 Lance Corporal Jeffrey S. Blanton
 Lance Corporal Franklin A. Sweger
 First Lieutenant Travis J. Fuller
 Corporal Timothy M. Gibson
 Corporal Richard A. Gilbert, Jr.
 Lance Corporal Saeed Jafarkhani-Torshizi, Jr.
 Corporal Stephen P. Johnson
 Lance Corporal Allan Klein
 Corporal Timothy A. Knight
 Lance Corporal Fred L. Maciel
 Corporal Nathaniel K. Moore
 Lance Corporal Mourad Ragimov
 Lance Corporal Rhonald Dain Rairdan
 Lance Corporal Hector Ramos
 Lance Corporal Gael Saintvil
 Corporal Nathan A. Shubert
 First Lieutenant Dustin M. Shumney
 Lance Corporal Michael L. Starr, Jr.
 Petty Officer Third Class John D. House
 Specialist Glenn J. Watkins
 Sergeant Major Barbaralien Banks
 Master Sergeant Edwin A. Matos-Colon
 Lance Corporal Nicholas C. Kirven
 Corporal Richard Schoener
 Sergeant Arnold Duplantier II
 Senior Chief Information Systems Technician (SEAL) Daniel R. Healy
 Lieutenant Michael P. Murphy
 Sonar Technician (Surface) Second Class (SEAL) Matthew G. Axelson
 Staff Sergeant Frank F. Tiai
 Specialist Mike T. Sonoda, Jr.

Sergeant First Class Daniel R. Scheile
 Sergeant Paul C. Neubauer
 Lance Corporal Steven A. Valdez
 Sergeant Jerry L. Bonifacio
 Captain Michael J. MacKinnon
 Sergeant Shaker T. Guy
 Specialist Marcelino R. Corniel
 Chief Warrant Officer 2 Ruel M. Garcia
 Lance Corporal Billy D. Brixey, Jr.
 Petty Officer Third Class John T. Fralish

At this time, Senate President Bunda called upon members of the United States Air Force to proceed with a 21-gun Salute followed by the playing of Taps in the Capitol Rotunda outside the House Chamber.

Senate President Bunda then delivered closing remarks as follows:

"As a veteran of the U.S. Air Force and Hawaii Army National Guard, I am proud to be a part of this ceremony in honor of our fallen comrades, our heroes.

"I am proud and humbled by the enormity of their sacrifice.

"Yes, we honor 120 today. But each soldier leaves behind a wide circle of family and friends who sacrificed a part of themselves as well.

"We honor and thank those countless individuals who not only lost their loved ones, but who also surrendered special dreams and hopes for the future.

"A grateful State and nation best honors and remembers the sacrifices of these soldiers by living our lives in deepest appreciation of our freedom. That is what they defended. That is what they fought and died for.

"Today, we remember, in moments of quiet reflection, each and every one of these heroes. We have joined together to honor their memory and express our profound gratitude for their ultimate sacrifice.

"Mahalo."

Senate President Bunda then called on the Joint Services Color Guard and the Hawaii Air National Guard Royal Guard for the retiring of the Colors, and at 11:17 o'clock a.m., declared the Joint Session of the House of Representatives and the Senate adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Wednesday, April 19, 2006.

HOUSE COMMUNICATIONS

House Communication dated April 18, 2006, 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. 1200, HD 2, SD 2 Added Representative Yamashita as a member.

H.B. 1800, HD 1, SD 1 Added Representative Yamashita as a member.

H.B. 2774, HD 1, SD 2 Added Representatives Yamashita and Halford as members.

S.B. 2954, SD 2, HD 2 Added Representative Yamashita as a member.

House Communication dated April 18, 2006, 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:

S.B. No. 87, SD 2, HD 1 Added Representative Stevens as a member.

S.B. 218, SD 4, HD 1 Added Representative Halford as a member.

S.B. 439, HD 2 Added Representative Marumoto as a member.

S.B. 475, SD 2, HD 1 Added Representative Finnegan as a member.

S.B. 613, SD 2, HD 1 Added Representative Thielen as a member.

S.B. 696, SD 1, HD 2 Added Representative Thielen as a member.

S.B. 743, SD 2, HD 2 Added Representative Marumoto as a member.

S.B. 785, SD 2, HD 2 Added Representative Pine as a member.

S.B. 845, SD 2, HD 2 Added Representative Moses as a member.

S.B. 965, SD 2, HD 1 Added Representative Moses as a member.

S.B. 1015, SD 1, HD 1 Added Representative Meyer as a member.

S.B. 1223, SD 2, HD 1 Added Representative Moses as a member.

S.B. 1294, SD 2, HD 1 Added Representative Finnegan as a member.

S.B. 1317, SD 1, HD 1 Added Representative Thielen as a member.

S.B. 1512, SD 1, HD 3 Added Representative Marumoto as a member.

S.B. 1593, SD 2, HD 2 Added Representative Pine as a member.

S.B. 1648, SD 1, HD 2 Added Representative Moses as a member.

S.B. 1899, SD 1, HD 1

S.B. 2021, SD 2, HD 2

S.B. 2036, SD 1, HD 1

S.B. 2065, SD 2, HD 1

S.B. 2074, SD 1, HD 2

S.B. 2076, SD 2, HD 2

S.B. 2133, SD 2, HD 2

S.B. 2145, SD 2, HD 2

S.B. 2150, SD 1, HD 1

S.B. 2155, SD 2, HD 1

S.B. 2162, SD 2, HD 1

S.B. 2166, SD 2, HD 3

S.B. 2188, SD 1, HD 2

S.B. 2214, SD 2, HD 3

S.B. 2227, SD 2, HD 2

S.B. 2246, SD 1, HD 2

S.B. 2248, SD 2, HD 1

S.B. 2259, SD 1, HD 1

S.B. 2260, SD 1, HD 1

S.B. 2265, SD 1, HD 1

S.B. 2273, SD 2, HD 1

S.B. 2298, SD 1, HD 1

S.B. 2323, SD 2, HD 1

S.B. 2327, SD 2, HD 1

Added Representative Pine as a member.

Added Representative Meyer as a member.

Added Representative Ching as a member.

Added Representative Stevens as a member.

Added Representative Moses as a member.

Added Representative Pine as a member.

Added Representative Halford as a member.

Added Representative Pine as a member.

Added Representative Stevens as a member.

Added Representative Halford as a member.

Added Representative Pine as a member.

Added Representative Halford as a member.

Added Representative Marumoto as a member.

Added Representative Moses as a member.

Added Representative Halford as a member.

Added Representative Thielen as a member.

Added Representative Pine as a member.

Added Representative Thielen as a member.

Added Representative Thielen as a member.

Added Representative Thielen as a member.

Added Representative Meyer as a member.

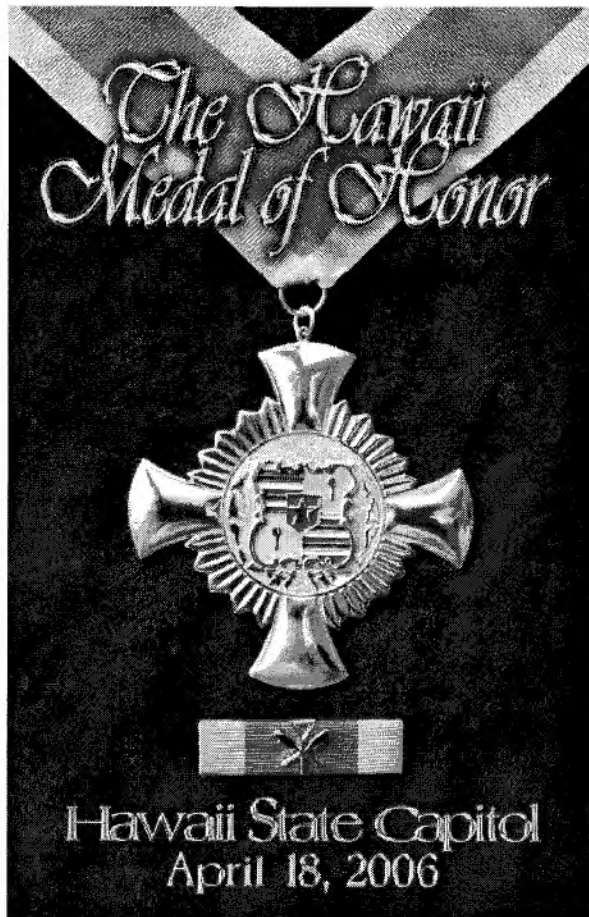
Added Representative Marumoto as a member.

Added Representative Pine as a member.

Added Representative Thielen as a member.

S.B. 2334, SD 2, HD 2	Added Representative Moses as a member.	S.B. 2600, SD 1, HD 2	Added Representative Thielen as a member.
S.B. 2339, SD 2, HD 1	Added Representative Halford as a member.	S.B. 2630, SD 2, HD 1	Added Representative Finnegan as a member.
S.B. 2343, SD 2, HD 2	Added Representative Halford as a member.	S.B. 2652, SD 2, HD 2	Added Representative Finnegan as a member.
S.B. 2348, SD 1, HD 1	Added Representative Halford as a member.	S.B. 2688, SD 2, HD 2	Added Representative Moses as a member.
S.B. 2357, HD 1	Added Representative Pine as a member.	S.B. 2708, SD 2, HD 1	Added Representative Ching as a member.
S.B. 2364, SD 2, HD 3	Added Representative Moses as a member.	S.B. 2718, SD 1, HD 1	Added Representative Finnegan as a member.
S.B. 2385, SD 1, HD 2	Added Representative Stevens as a member.	S.B. 2719, SD 2, HD 1	Added Representative Finnegan as a member.
S.B. 2433, SD 2, HD 1	Added Representative Pine as a member.	S.B. 2725, SD 2, HD 1	Added Representative Pine as a member.
S.B. 2461, SD 1, HD 1	Added Representative Halford as a member.	S.B. 2727, SD 1, HD 2	Added Representative Halford as a member.
S.B. 2480, SD 1, HD 1	Added Representative Pine as a member.	S.B. 2774, SD 2, HD 1	Added Representative Moses as a member.
S.B. 2484, SD 1, HD 1	Added Representative Pine as a member.	S.B. 2838, SD 2, HD 2	Added Representative Ching as a member.
S.B. 2485, SD 2, HD 2	Added Representative Halford as a member.	S.B. 2879, SD 1, HD 1	Added Representative Moses as a member.
S.B. 2486, SD 2, HD 1	Added Representative Halford as a member.	S.B. 2887, SD 1, HD 1	Added Representative Finnegan as a member.
S.B. 2492, SD 1, HD 1	Added Representative Thielen as a member.	S.B. 2897, SD 2, HD 3	Added Representative Marumoto as a member.
S.B. 2499, SD 2, HD 2	Added Representative Marumoto as a member.	S.B. 2898, SD 2, HD 2	Added Representative Meyer as a member.
S.B. 2502, SD 2, HD 1	Added Representative Halford as a member.	S.B. 2909, SD 1, HD 2	Added Representative Ching as a member.
S.B. 2504, SD 2, HD 2	Added Representative Moses as a member.	S.B. 2913, SD 1, HD 1	Added Representative Marumoto as a member.
S.B. 2505, SD 2, HD 1	Added Representative Ching as a member.	S.B. 2917, HD 3	Added Representative Marumoto as a member.
S.B. 2545, SD 2, HD 2	Added Representative Marumoto as a member.	S.B. 2922, SD 1, HD 1	Added Representative Marumoto as a member.
S.B. 2546, SD 1, HD 2	Added Representative Moses as a member.	S.B. 2948, SD 1, HD 2	Added Representative Finnegan as a member.
S.B. 2570, SD 2, HD 2	Added Representative Ching as a member.	S.B. 2949, SD 2, HD 1	Added Representative Moses as a member.
S.B. 2571, HD 1	Added Representative Pine as a member.	S.B. 2954, SD 2, HD 2	Added Representative Pine as a member.
S.B. 2572, SD 2, HD 1	Added Representative Pine as a member.	S.B. 2956, SD 2, HD 2	Added Representative Finnegan as a member.
S.B. 2575, SD 2, HD 1	Added Representative Meyer as a member.	S.B. 2957, SD 2, HD 2	Added Representative Pine as a member.

S.B. 2958, SD 2, HD 1	Added Representative Pine as a member.	S.B. 3181, SD 2, HD 2	Added Representative Thielen as a member.
S.B. 2959, SD 3, HD 1	Added Representative Ching as a member.	S.B. 3186, SD 2, HD 2	Added Representative Marumoto as a member.
S.B. 2961, SD 1, HD 1	Added Representative Stevens as a member.	S.B. 3192, SD 1, HD 2	Added Representative Ching as a member.
S.B. 2980, SD 2, HD 1	Added Representative Ching as a member.	S.B. 3195, SD 2, HD 2	Added Representative Ching as a member.
S.B. 2997, SD 1, HD 1	Added Representative Marumoto as a member.	S.B. 3205, SD 2, HD 1	Added Representative Halford as a member.
S.B. 3000, SD 2, HD 1	Added Representative Meyer as a member.	S.B. 3215, SD 1, HD 2	Added Representative Moses as a member.
S.B. 3009, SD 2, HD 2	Added Representative Halford as a member.	S.B. 3247, SD 2, HD 2	Added Representative Finnegan as a member.
S.B. 3011, SD 1, HD 1	Added Representative Halford as a member.	S.B. 3252, SD 2, HD 1	Added Representative Finnegan as a member.
S.B. 3021, SD 2, HD 2	Added Representative Finnegan as a member.	S.B. 3262, SD 1, HD 1	Added Representative Halford as a member.
S.B. 3035, SD 1, HD 1	Added Representative Halford as a member.	S.B. 3270, SD 2, HD 1	Added Representative Halford as a member.
S.B. 3059, SD 2, HD 1	Added Representative Finnegan as a member.	S.B. 3273, SD 2, HD 2	Added Representative Ching as a member.
S.B. 3065, SD 1, HD 1	Added Representative Moses as a member.		
S.B. 3076, SD 1, HD 1	Added Representative Halford as a member.		
S.B. 3077, SD 2, HD 2	Added Representative Thielen as a member.		
S.B. 3078, SD 2, HD 1	Added Representative Halford as a member.		
S.B. 3090, SD 2, HD 1	Added Representative Meyer as a member.		
S.B. 3101, SD 2, HD 2	Added Representative Ching as a member.		
S.B. 3105, SD 2, HD 2	Added Representative Pine as a member.		
S.B. 3114, SD 2, HD 2	Added Representative Ching as a member.		[This section left blank.]
S.B. 3119, SD 2, HD 1	Added Representative Finnegan as a member.		
S.B. 3120, SD 2, HD 1	Added Representative Ching as a member.		
S.B. 3138, HD 1	Added Representative Ching as a member.		
S.B. 3146, SD 2, HD 1	Added Representative Stevens as a member.		
S.B. 3180, SD 1, HD 2	Added Representative Finnegan as a member.		



SYMBOLISM OF THE HAWAII MEDAL OF HONOR

The Hawaii Medal of Honor was designed by Sergeant First Class Aaron Pollick from the Hawaii Army National Guard. This medal consists of the following six components, superimposed on each other:

Circle of Kalo Leaves: The kalo leaves represent the family or Ohana. The leaves are designed in an encircled fashion and represents the concept of Ohana, which we strive to embrace.

Coat of Arms: The Great Shield is the keystone of the design. The eight bars represent the eight major islands of the State of Hawaii. The kapu sticks, or Pulo'ulo'u, symbolize authority and protection. The star in the center of the medallion is the Star of Hawaii, the 50th star on the flag of the United States. This star also represents the honorees of this prestigious award.

Maltese Cross: The Maltese Cross represents the four directional axes of the globe, denoting Hawaii as the Crossroads of the Pacific.

Sun Rays: The irradiant sun is symbolic of the new era. Its position in the center of the Maltese Cross represents our sunny shores and warm hearts ever shining on all the corners of the world.

The Neck Drape: The neck drape is red and golden yellow in color. These colors symbolize the royal monarchy that once ruled these islands. The red represents courage and strength. The golden yellow depicts the honor that the recipients have brought to our islands.

Service Ribbon & Attachment: The service ribbon represents distinguished service. Its colors are identical to the colors of the neck drape. The attachment device at the middle of the ribbon is an ancient flag or puela of Hawaiian Chiefs. In olden times, the puela was raised above the sail of the ancient Hawaiians' canoes while at sea. Our puela signifies that the person receiving this medal is of high rank or honor.

Joint Services Color Guard

United States Army:

US Flag Bearer: Sergeant Lashawan Parker
Color Bearer: Sergeant Matthew Dougherty, NCOIC
Rifle Bearer: Specialist Darron Soren

United States Marines:

Color Bearer: Corporal Alberto Reategui
Rifle Bearer: Lance Corporal Erik Granado

United States Navy:

Color Bearer: Culinary Specialist Seaman Franklin Benson
Bell & Ringer: Cryptologic Tech Seaman Samuel Crawford

United States Air Force:

Color Bearer: Senior Airman Michael Adams
Bugler: Technical Sergeant Dodic Pagaoa

United States Coast Guard:

Color Bearer: Gunners Mate 3rd Class Tor V. Eystad

Hawaii Air National Guard Royal Guard

Color Bearer: Master Sergeant Maui Quizon
Rifle Bearer: Technical Sergeant Prescott Looney
Rifle Bearer: Staff Sergeant Paul Mahuka

US Air Force Base Honor Guard Firing Detail:

Staff Sergeant Isidro Tabion, NCOIC
Staff Sergeant Ingrid Lopez
Senior Airman David Wheeler
Senior Airman C.J. Suarez
Senior Airman Kristopher Douglas
Senior Airman Lance Thornall
Staff Sergeant Mario Zaragoza
Airman 1st Class Gabriel Ruiz

From House Bill 8, designated as Act 21, Session Laws of Hawaii of 2005:

"The purpose of this Act is to provide for a Hawaii Medal of Honor that would help express the deep appreciation and gratitude of the People of Hawaii to the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedoms."

From House Concurrent Resolution 329 of 2006:

"The People of the State of Hawaii are grateful and saddened by the loss of each armed forces member and stand by the surviving family members in support and with aloha."

"The Legislature, on behalf of the People of the State of Hawaii, honors and remembers the sacrifice of these armed forces heroes with ties to Hawaii who fought and died bravely for the United States of America, and sends its heartfelt appreciation and sympathy to surviving family members."

ACKNOWLEDGEMENTS

Paul T. Kawaguchi, Senate Chief Clerk & his staff
Ben Villafior, Senate Sergeant-at-Arms & his staff
Patricia A. Mau-Shimizu, House Chief Clerk & her staff
Kevin R. Kuroda, House Sergeant-at-Arms & his staff
Linda Luli Nakasone Oamilda, House Majority Staff Office & her staff
David Wilson & Lea Okudara, McNeil Wilson Communications, Inc.
Dennis Fujii, U.S. Pacific Command
Kent Untermaun & Valerie Wang, Pictures Plus
Rose Lee, Rose Lee's Alterations
Ty & Cindy Tamanaha, Awardline
Bobby Chi, The Honolulu Mint
Pearl Harbor Historic Sites
Girl Scout Council of Hawaii
Hale Koa Hotel
Polynesian Cultural Center
Hawaii Restaurant Association
Hawaii Hotel Association
Hawaii Tourism Authority

Planning Committee:

Senate President Robert Bunda
House Speaker Calvin K.Y. Say
Vice Speaker K. Mark Takai
Senator Norman Sakamoto
Representative Ken Ito
Representative Pono Chong
Major General Robert G.F. Lee
Brigadier General Gary M. Ishikawa
Colonel (ret.) Emerick K. Kaneshi
Sergeant First Class Aaron R. Pollick
Lisa Vargas
Janis Higaki
Carole Furuya
Cherry Torres
George White
Georgette Deemer

FIFTY-FIRST DAY

Wednesday, April 19, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 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 Representatives Stonebraker and Waters, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 755 through 757) were received and announced by the Clerk:

Sen. Com. No. 755, dated April 18, 2006, 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:

		2158, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Hogue
		2159, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Hogue
		2162, SD2, HD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Fukunaga, Trimble
		2188, SD1, HD2	Chun Oakland, Chair; Hanabusa, Co-Chair; Hooser, Kokubun, Whalen
		2290, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Hogue
		2292, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Whalen
		2293, SD2, HD1	Menor, Chair; Fukunaga, Co-Chair; Baker, Hogue
		2323, SD2, HD1	Chun Oakland, Chair; Hanabusa/Tsutsui, Co-Chairs; Taniguchi, Trimble
30, HD1, SD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Tsutsui, Trimble	2327, SD2, HD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Hooser, Whalen
1821, HD2, SD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Fukunaga, Trimble	2334, SD2, HD2	Chun Oakland, Chair; Hanabusa/Taniguchi, Co-Chairs; Fukunaga, Ihara, Whalen
1871, HD1, SD2	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Whalen	2461, SD1, HD1	Chun Oakland, Chair; Menor/Taniguchi, Co-Chairs; Baker, Kokubun, Tsutsui
1995, HD1, SD2	Chun Oakland, Chair; Hanabusa, Co-Chair; Whalen	2571, HD1	Menor, Chair; Hanabusa/Taniguchi, Co-Chairs; Hogue
2043, HD2, SD3	Chun Oakland, Chair; Tsutsui, Co-Chair; Fukunaga, Taniguchi, Slom	2572, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
2097, HD2, SD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Ihara, Tsutsui, Trimble	2688, SD2, HD2	Chun Oakland, Chair; Hanabusa/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Trimble
2133, SD1	Kokubun, Chair; Hanabusa, Co-Chair; Fukunaga, Whalen	3009, SD2, HD2	Kanno, Chair; Taniguchi, Co-Chair; Hemmings
2258, HD 1, SD2	Chun Oakland, Chair; Taniguchi, Co-Chair; Tsutsui, Trimble	3021, SD2, HD2	Kanno, Chair; Hanabusa, Co-Chair
2367, HD1, SD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Whalen	3035, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Hogue
2691, SD2	Kanno, Chair; Hanabusa, Co-Chair; Hogue	3205, SD2, HD1	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Taniguchi, Whalen
3116, HD2, SD2	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Taniguchi, Trimble	3215, SD1, HD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Hooser, Taniguchi, Trimble
3194, HD1, SD1	Chun Oakland, Chair; Hee, Co-Chair; Trimble	3247, SD2, HD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Baker, Taniguchi, Trimble
3217, HD1, SD1	Chun Oakland, Chair; Tsutsui, Co-Chair; Ihara, Taniguchi, Trimble	3252, SD2, HD1	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Fukunaga, Ihara, Taniguchi, Trimble
			Sen. Com. No. 757, dated April 18, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:
		H.B. No. 439, HD 1, SD 2	Discharged Senator Trimble as a conferee.
475, SD2, HD1	Chun Oakland, Chair; Tsutsui, Co-Chair; Taniguchi, Trimble		

H.B. No. 1917, Discharged Senator Ihara as a conferee.
HD 2, SD 2

S.B. No. 2546, Discharged Senator Kanno as Chair.
SD 1, HD 2 Discharged Senator Inouye as Co-Chair.
Discharged Senator Fukunaga as a conferee.
Added Senator Fukunaga as Chair.
Added Senators Ige, Inouye, Kanno, Slom
as conferees.

S.B. No. 2719, Added Senator Kanno as Co-Chair.
SD 2, HD 1

INTRODUCTIONS

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

Representative Arakaki, on behalf of Representatives Abinsay, Finnegan and himself, introduced a group of ladies from the Kalihi Union Church, accompanied by Ms. Adele Yoshida, and his office manager, Mr. John Mizuno.

Representative Luke introduced Mr. Ezra Levine, an attorney from the Howrey Law Firm in Washington, D.C., accompanied by Honolulu attorneys, Mr. Marvin Dang and Mr. Jim Dixon.

Representative Takai introduced his college classmate, Mr. Mike Chun.

Representative Nishimoto, on behalf of Representative Stevens and himself, introduced the members of the Student Council at Jefferson Elementary School, accompanied by counselor, Ms. Maile Kapuniai.

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

S.C.R.

<u>Nos.</u>	<u>Re-referred to:</u>
13	Committee on Finance
85	Committee on Finance
97, SD1	Committee on Finance
196, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns
211	Committee on Finance

The Chair announced:

"Members, please pardon the error in regards to the 48-hour notice. It is a ten-day notice because these are constitutional amendments. I'll restate it once more. For Reports of Conference Committees, please note that on your Order of Day, it says 48-hour notice. It is not 48-hours. It is a ten-day notice because of the constitutional amendments.

"So it is a ten-day notice for Conference Committee Report Nos. 1-06 through 3-06, and 51-06 as listed on pages 1 and 2. So ten days from now, we'll be addressing these constitutional amendments where you can vote up or down. We're giving the Governor ten days notice on the constitutional amendment provisions."

CONFERENCE COMMITTEE REPORTS

Representatives B. Oshiro and Tsuji, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2479, HD 1, presented a report (Conf. Com. Rep. No. 1-06) recommending that S.B. No. 2479, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 1-06 and S.B. No. 2479, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," was deferred.

Representatives B. Oshiro 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. 995, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 2-06) recommending that S.B. No. 995, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 2-06 and S.B. No. 995, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," was deferred.

Representatives B. Oshiro 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. 2246, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 3-06) recommending that S.B. No. 2246, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 3-06 and S.B. No. 2246, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," was deferred.

Representatives Magaoay, Luke and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1917, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 51-06) recommending that H.B. No. 1917, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 51-06 and H.B. No. 1917, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," was deferred.

ANNOUNCEMENTS

Representative Souki, for the Committee on Transportation, requested a waiver of the 48-hour advance notice requirement to hear:

S.C.R. No. 41, Requesting the Department of Transportation and the Executive Office on Aging to Collaborate on Providing Transportation to Seniors and to Visually Impaired Persons, and

Expressing the Legislature's Support for Federal Legislation to Provide Funding for ITNAmerica for a Five-Year National Roll-Out and Grants; and

S.C.R. No. 44, Requesting the Auditor to Conduct A Management Audit of the Capital Improvement Projects of the Department of Transportationl.

These measures will be heard tomorrow at 9:30 a.m. in Conference Room 309, and the Chair "so ordered."

Representative Shimabukuro: "Thank you, Mr. Speaker. I just wanted to announce the pancake sale for the Foodbank has been rescheduled to next week Tuesday, and we'll be taking your orders up until the end of this week. Thank you."

Representative Karamatsu, for the Committee on Economic Development & Business Concerns, requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 141, Requesting the City and County of Honolulu to Maintain the Current Zoning of a One Hundred Seventy-Two Acre Parcel of Real Property in Royal Kunia for the Establishment of a Park, Golf Course, or Continued Use as Open Space, tomorrow at 10:30 a.m. in Conference Room 325, and the Chair "so ordered."

Representative Wakai: "Thank you, Mr. Speaker. I just wanted to acknowledge the wonderful work by Representative Takai at yesterday's ceremony, assisted by Pat Mau-Shimizu's office as well as Kevin Kuroda's staff. I think all of us were touched by what transpired here on this Floor yesterday. And I know it was a heck of a lot of work to be put together and spearheaded by Representative Takai. And I think yesterday was a wonderful opportunity for us to show the community that there's a lot of good work that goes on here. And I think all of us were proud to be an American yesterday. And I wanted to acknowledge all the good work by Mark Takai's staff as well as the rest of the staff here at the House.

Representative Takai: "Thank you, Mr. Speaker. Yesterday this Chamber looked very different than it does today. And I think Mr. Speaker, when you take a look back at our conversation, it was probably December of 2004, when we just started talking about this Hawaii Medal of Honor. I don't think you, who really needs to be given the credit for coming up with the idea, you, nor I, nor anyone else close to us during the early discussions, ever realized the magnitude of what yesterday's ceremony was going to be.

"Having said all of that, as we all know, and I appreciate the recognition and the comments by the Representative from Moanalua, having said all of that, a thing like yesterday doesn't go on just with one or two people. In fact, yesterday's ceremony was the culmination of many, many months of hard work by many individuals. Although, we recognized a few of them on the acknowledgements on the back of the program Mr. Speaker, with your indulgence and permission, I'd like to go through some of them today.

"Thank you, Mr. Speaker. I'd like to first thank all of our staff here. Chief Clerk, Pat Mau-Shimizu and her staff; Kevin Kuroda, House Sergeant-of-Arms, and his staff; Linda Oamilda, House Majority Staff Office, and her staff; Georgette Deemer, our Communications Director; and David Wilson and Lea Okudara from McNeil Wilson Communications and their staff. We did get a lot of support and assistance from the military. And I would like to recognize Dennis Fujii from the US Pacific Command, and Leighton Siu from the Governor's office, who helped us with protocol.

"I also wanted to mention four individuals who helped us very early on in identifying the people that we recognized yesterday. From the Army, we had Mr. Mark Van Doorne. From the Navy, we had Chief Jonathan Weiss. From the Marines, we had 1st Lieutenant Jon Mohler, who unfortunately is currently deployed and replacing him, we continued our work with the Marines with Captain Mark Nicholson.

"In addition Mr. Speaker, as all of you noticed, the Medal itself was beautiful and I wanted to acknowledge Sergeant First Class Aaron Pollick once again, who came up with the initial design. But with that, a lot of other people participated, namely Bobby Chi from the Honolulu Mint who created the final Medal, minted the Medal. We had Kent Untermann and Valerie Wang from Pictures Plus who framed it, Rose Lee from Rose Lee's Alternations who helped us sew the ribbons. And Ty and Cindy Tamanaha from Awardline who helped us with the plaques.

"In addition, Mr. Speaker, we all knew this was going to turn into a much bigger event after we started receiving RSVPs from many people from very far away. And because of that we worked very closely with the Pearl Harbor Historic Sites, the Bowfin, the Missouri, and the Arizona. And they came through with support for the families. The Hale Koa Hotel came through, the Polynesian Cultural Center came through, and we worked specifically with the Hawaii Restaurant Association, the Hawaii Tourism Authority, and the Hawaii Hotel Association. All of these organizations and entities helped us as we helped the families make this a special visit to Hawaii.

"Many people yesterday were asking about the 'Olelo Broadcast and I wanted to make mention once again, Mr. Speaker, that Capitol TV will be graciously donating a DVD for each family, both present and not present of yesterday's ceremony.

"Finally Mr. Speaker, I wanted to recognize the Planning Committee. Many people in this Chamber, as well as the other, and a few other individuals really put in the hard work over the past year to make yesterday's events a reality. Senate President Bobby Bunda, you Mr. Speaker, Senator Norman Sakamoto, Representative Ken Ito, and Representative Pono Chong. All helped from our side to make yesterday's event a reality. In addition, we got support from Major General Robert Lee, Brigadier General Gary Ishikawa, and Colonel Retired Emerick Kaneshi.

"Finally Mr. Speaker, we all know as Representatives that much of our success and the things that we do in this Chamber, as well as in our communities, are the direct results of our staff. And I wanted to at this time, acknowledge the staff people who made this all possible. From Representative Pono Chong's office, Janis Higaki and his other staff. From Representative Ito's office, Carole Furuya and his other staff. From Senator Sakamoto's office, Cherry Torres and his other staff. From Senate President's office, George White and his other staff. And from my staff in particular and I have them here today, I wanted to recognize Kendall Matsuyoshi, Victoria Hallett and Sara Hoffman.

"And finally Mr. Speaker, I saved her for last because she really did a lot of work and without her we would not have had yesterday. Lisa Vargas, our office manager did the due diligence, and covered all of our bases and contacted all of the service members who are deserving of this award. And remember now, this award recognized anyone with Hawaii ties, 120 of them up until February 28th. I think we got them all. So I wanted this Body at this time to recognize my legislative staff and in particular, Lisa Vargas who made life much easier yesterday. Can they rise and can we recognize them? Thank you, Mr. Speaker."

ADJOURNMENT

At 12:34 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, April 20, 2006. (Representatives Chang, Stonebraker and Waters were excused.)

HOUSE COMMUNICATION

House Communication dated April 19, 2006, 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:

1021, HD2, SD2 Morita/Herkes/Evans, Co-Chairs; Pine

House Communication dated April 19, 2006, 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. 2043, Added Representative Green as a member.
HD 2, SD 3

S.B. 2961, Added Representatives Green and Yamane
SD 1, HD 1 as members.

S.B. 3262, Added Representative Green as a member.
SD 1, HD 1

House Communication dated April 19, 2006, 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 change to the conferees on the following measure:

H.B. 3016, Added Representative Stevens as a member.
HD 1, SD 1

House Communication dated April 19, 2006, 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, a copy of which is attached hereto: S.B. No. 2479, H.D. 1, C.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

House Communication dated April 19, 2006, 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, a copy of which is attached hereto: S.B. No. 995, S.D. 1, H.D. 1, C.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

House Communication dated April 19, 2006, 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, a copy of which is attached hereto: S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT,"

and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

House Communication dated April 19, 2006, 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 House Bill, a copy of which is attached hereto: H.B. No. 1917, H.D. 2, S.D. 2, C.D. 1, entitled: "PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

FIFTY-SECOND DAY

Thursday, April 20, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:10 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, Schatz and Thielen, 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-Eighth, Thirty-Ninth, Fortieth, Forty-First, Forty-Second, Forty-Third, Forty-Fourth and Forty-Fifth Days were approved. (Representatives Cabanilla and Thielen were excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 261) was received and announced by the Clerk:

Gov. Msg. No. 261, informing the House that on April 19, 2006, the following bill was signed into law:

S.B. No. 2018, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES." (ACT 009)

The following message from the Governor (Gov. Msg. No. 262) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 262, transmitting S.B. No. 3008, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 19, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3008

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. 3008, entitled, "A Bill for an Act Relating to Public Work Projects."

This bill is objectionable because it would require the State to cite a contractor for each individual construction project for which work is performed, no matter how minor the infraction and whether the violation was committed knowingly or not. If violations were discovered in one investigation involving multiple construction projects, the contractor would receive multiple citations.

Upon the receipt of a third violation, a contractor would be precluded from performing any new public work construction for a three-year period. Considering the complexity of the law and the difficulties it poses for a contractor to successfully navigate, this result is too harsh. This rigid violation structure fails to take into account the severity of the violations found and the willfulness of the contractor in committing the violation.

The mandatory, progressive penalty structure in current law allows firms to correct errors as soon as they are identified and ensures that

the Department of Labor and Industrial Relations is able to work with affected contractors to provide fair wages pursuant to the wage schedules, benefit formula and applicable overtime rules in place.

The changing of the manner of issuing violations from one based on investigations to one based on projects will likely result in potential litigation. Further, the number of firms bidding on and accepting State and county projects is likely to diminish if the rigid penalty structure imposed by this bill is enacted.

Diminishing the number of firms that can bid on State and county projects, and passing measures that further discourage qualified firms from bidding, will inevitably result in higher costs for public works projects. This will adversely impact the State's ability to fund and execute construction and repair of schools, highways, parks, harbors, and the entire spectrum of public facilities operated by the State of Hawaii. It will also negatively impact the ability of the counties to repair and rebuild our sewer systems, upgrade wastewater treatment plants, expand police and fire facilities and similar local government structures.

To avoid the adverse effects on government contracting and critical public works projects that would likely occur, the finding of a violation should continue to be based on the investigation conducted rather than on individual projects as contemplated by this bill.

For the foregoing reasons, I am returning Senate Bill No. 3008 without my approval.

Respectfully,

/s/
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 758 through 765) were received and announced by the Clerk:

Sen. Com. No. 758, transmitting H.C.R. No. 67, 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," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 759, transmitting H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR MAINTAINING PEACE IN THE ASIA-PACIFIC WITH THE UNITED NATIONS AND WITH THE SUPPORT OF ALLIES AND FRIENDS," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 760, transmitting H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR THE CONTINUANCE OF PERSISTENT AND SKILLFUL DIPLOMACY IN RESOLVING NUCLEAR PROLIFERATION ISSUES WITH THE ISLAMIC REPUBLIC OF IRAN BEFORE THE UNITED NATIONS SECURITY COUNCIL UPON THE REFERRAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 761, transmitting H.C.R. No. 34, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1ST AS A DAY

OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 762, transmitting H.C.R. No. 112, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 763, dated April 19, 2006, 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:

1935, HD1, SD1	Menor, Chair; Espero, Hogue
1948, HD2, SD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Tsutsui, Hogue
1968, HD1, SD1	Menor, Chair; Espero, Hogue
1977, HD1, SD2	Menor, Chair; Hanabusa, Co-Chair; Whalen
2175, HD2, SD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Kokubun, Whalen
2315, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Hogue
2319, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair; Baker, Hogue
2619, SD1	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Ige, Tsutsui, Whalen
2964, HD1, SD2	Menor, Chair; Kokubun/Taniguchi, Co-Chairs; Espero, Hogue
3067, HD2, SD2	Menor, Chair; Kokubun/Taniguchi, Co-Chairs; Baker, Hogue
3100, HD1, SD1	Menor, Chair; Espero, Hogue
3225, HD1, SD1	Menor, Chair; Espero, Hogue

Sen. Com. No. 764, dated April 20, 2006, 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:

743, SD2, HD2	Menor, Chair; Hanabusa, Co-Chair; Sakamoto, Hogue
744, SD2, HD 1	Menor, Chair; Hanabusa, Co-Chair; Hogue
1223, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Hogue
2143, SD2, HD 1	Menor, Chair; Taniguchi, Co-Chair; Baker, Slom
2193, SD1, HD1	Menor, Chair; Ige, Co-Chair; Whalen

2248, SD2, HD1	Menor, Chair; Hanabusa/Taniguchi, Co-Chairs; Hogue
2283, SD1, HD1	Menor, Chair; Espero, Hogue
2298, SD1, HD1	Menor, Chair; Espero
2499, SD2, HD 2	Menor, Chair; Taniguchi, Co-Chair; Espero, Hogue
2762, SD1, HD1	Menor, Chair; Baker, Hogue
2774, SD2, HD1	Menor, Chair; Kokubun, Co-Chair; Espero, Hogue
2913, SD1, HD1	Menor, Chair; Espero, Co-Chair
2917, HD3	Menor, Chair; Baker, Espero, Hogue
2957, SD2, HD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Kokubun, Whalen
3000, SD2, HD1	Menor, Chair; Ige, Co-Chair; Espero, Hogue
3065, SD1, HD1	Menor, Chair; Baker, Hogue
3072, SD1, HD2	Kanno, Chair; Menor, Co-Chair; Slom
3181, SD2, HD 2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Hogue
3185, SD2, HD2	English, Chair; Menor, Co-Chair; Espero, Whalen

Sen. Com. No. 765, dated April 19, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 2692, HD 1, SD 1	Senator Espero replaced Senator Inouye as Co-Chair.
S.B. No. 1512, SD 1, HD 3	Discharged Senate Conferees.
S.B. No. 2255, SD 1, HD 1	Discharged Senate Conferees.
S.B. No. 2603, SD 1, HD 1	Discharged Senate Conferees.
S.B. No. 3105, SD 2, HD 2	Added Senator Espero as a conferee.

At this time, Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I rise, and you're going to have to work me with on this. I'm rising on a point of personal privilege of the House procedures. I believe according to Rule 29 of the House."

The Chair then stated:

"May we take that up at the end of the calendar, during announcements, Representative Harbin?"

"Representative Harbin continued, stating:

"Mr. Speaker, according to the Order of Business by Rule 29, this would be a special business matter. I believe according to Rule 29.3, this is the time in the agenda for that to be discussed."

At 12:24 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 12:26 o'clock p.m.

The Chair then recognized Representative M. Oshiro, stating:

"The Chair at this time recognizes Representative Marcus Oshiro in responding to the point of personal privilege from Representative Harbin."

Representative M. Oshiro rose, stating:

"Mr. Speaker, could we first turn our attention to the introductions that the Members might want to make this morning before we proceed on this matter?"

The Chair responded, stating:

"If the Members of this House agree with that particular request. Does everyone agree with the request to have this follow the introduction of guests in the gallery?"

INTRODUCTIONS

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

Representative Magaoay introduced students of the Wheeler Even Start Family Literacy Program, and their teachers, Ms. Joy Matsukawa and Ms. Leslie Shimokawa. They were accompanied by the Representative's administrative assistant, Ms. Judy Fomin.

Representative Lee introduced local independent filmmaker, Ms. Kimberlee Bassford, producer of *Cheerleaders* and *Ahead of the Majority*."

At 12:28 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
283	Jointly to the Committee on Legislative Management and the Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following House bill was re-referred to committee by the Speaker:

<u>H.B.</u> <u>No.</u>	<u>Re-referred to:</u>
1021, HD2, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

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>
76, SD1	Committee on Health
113, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health
128, SD1	Committee on Finance

STANDING COMMITTEE REPORT

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1806-06) recommending that S.C.R. No. 108, 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. 108, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXAMINE THE PUBLIC POLICY UNDERLYING THE RECOVERY OF MEDICAL ASSISTANCE PAYMENTS," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1807-06) recommending that S.C.R. No. 2, 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. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1808-06) recommending that S.C.R. No. 6, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 6, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. This Resolution calls for us to urge President Bush and the United States Congress to not privatize Social Security.

"And the reason I'm in opposition is that if the only way to save Social Security is to privatize it, then I'm all for saving Social Security, so I have to oppose this measure. Thank you."

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

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this measure. This Resolution urges President Bush and the U.S. Congress to not privatize Social Security.

"Our Social Security System urgently requires reform, as our ability to support future generations is impacted by our growing population and their retirement needs. Converting even partially to a system of private accounts will give retirees the chance to substantially increase their savings, boost their sense of family and personal responsibility for their own economic well-being and allow savings to be passed on to next of kin in the event of a retiree's untimely death. Additionally, privatized Social Security will stimulate the economy, as retirees choose to invest their money in a variety of financial instruments."

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

"Thank you, Mr. Speaker. I'm rising in opposition to that same measure. I would ask that the words of the Representative from Makakilo be put in the Journal as if they were my own.

"I just can't understand why there is so much opposition to the idea of privatizing. Employees pay 50% of the FICA tax and the employer pays 50%. If you were taking that money and putting it in some kind of security that you have some control over, if you were to die at least your family would get something. Not just a death benefit.

"I just can't understand the fear people have. To me, it's a far better thing if you have some control over some of that money. There is a real fear on the part of younger Americans that they may never get any of their Social Security. And you don't know what to believe in the papers because some people say, 'There's no problem.' Others say, 'It'll be insolvent through 2015, 2020.'

"We need to do something. The whole idea of privatizing, it's not the entire thing. It'll be portion of it. Those are the details that could be worked out. And I think for me personally, I want Congress and the President to continue looking at this model. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise with words of support for this Resolution. I thought we had finished with this issue last year, Mr. Speaker. And then I thought, perhaps both sides of the aisle are in agreement, that privatization of Social Security is not the best way to go.

"It surely has been beaten down by the roar of public opposition across our country, as we've read in newspapers and seen on TV news, journals. It's pretty clear that there no longer is support for privatization of Social Security. Even our own President, Mr. Speaker, has stopped talking about it, as has Congress. So to hear people on the other side of the aisle to get up and repeat arguments, that not even their own President is supporting anymore, is kind of surprising. Last year Mr. Speaker, I quoted ..."

Representative Moses rose, stating:

"I'm sorry, Mr. Speaker. Point of personal privilege. Did I understand that the Representative across the aisle is saying that the President is not his President? That's the way I took that."

Speaker Say: "No, he did not say that. Please proceed, Representative Caldwell."

Representative Moses: "I think he's our President. Thank you."

Representative Caldwell continued, stating:

"Thank you, Mr. Speaker. I'd like to quote from one of our other Presidents, my President, your President, and everyone's President, and that's Franklin Roosevelt. He stated, Mr. Speaker, when he started Social Security back in the 30s: 'This law, too, represents a cornerstone in a structure which is being built, but is by no means complete. It is a structure intended to lessen the forces of possible future depressions. It will act as a protection to future Administrations against the necessity of going deeply into debt to furnish relief to the needy. The law will flatten out the peaks and valleys of deflation and of inflation. It is, in short, a law that will take care of the human needs, and at the same time provide the United States an economic structure of vastly greater soundness.'

"Mr. Speaker, I quote this because it still rings true today. It is probably the foundation of so much good in our country. And it remains a cornerstone that has taken of the human needs of our senior citizens in their golden years.

"The contention somehow being made by some people, usually the Neo-Conservatives, that the Social Security Trust Fund is a myth, is something that shouldn't even be repeated again today, in my mind.

"As we discussed previously Mr. Speaker, Social Security is protected by treasury bonds of a special type. They're actually stored in a vault, they're not traded on the open market like regular treasury bonds. And their value remains strong and backed by the United States of America, the strongest economy in the world, Mr. Speaker.

"Mr. Speaker, even President Bush, my President, your President, and everyone else's President, has now admitted that this is not a problem that privatization can solve. In fact, what isn't a myth, Mr. Speaker, is our ballooning Federal deficit and the payment of the Iraq War, which is we've just read recently in yesterday's paper has ballooned to over \$100 billion a year now, Mr. Speaker. More than what the entire Marshall Plan cost, to save Western Europe from Communism.

"So Mr. Speaker, I think we should focus more on our President's tax cuts to the rich, and less on Social Security. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, in opposition. I think from the argument that was made just now, that this is not an issue that we should be doing a Resolution on in the first place. It wasn't an issue. I guess the President and Congress are not talking about it so why do we need to do a Resolution, Mr. Speaker?"

"And then let's go ahead and talk about tax policy and other things that might be more pertinent to the discussion of this day. Thank you."

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

"Thank you, Mr. Speaker. I wish to speak in favor of this Resolution. And I believe Mr. Speaker and Members, the bigger issue of Social Security is the tremendous debt that the United States is incurring and the continual raiding of Social Security funds. If anything is going to bankrupt Social Security, it's the government raiding Social Security funds to help to pay the debt. Thank you."

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

"Mr. Speaker, in opposition. Despite what previous speakers have said, the Social Security will be paying out more money than it is taking in, in about ten years or so. There must be some remedy to this. So I will support looking at privatization as a solution. Maybe a partial solution. I have not heard of any other ideas to help the fund except for raising the taxes on the fund. So I think we should be

concerned about a solution because more and more retirees will be supported by fewer and fewer workers. Thank you."

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

"Just wanted to note my reservations to this measure. The speaker from Manoa convinced that this measure is not needed. And since the speaker of Manoa was talking about tax cuts for the rich, it's my hope then that this Legislature that can act on tax cuts for the poor, will do so this year because we do tax the poor higher than any other state in the nation. Thank you."

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

"Thank you, Mr. Speaker. In support. I enjoy getting my check every month."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to clarify that if I were to walk into the Chamber, and still in opposition, and hear certain statements made, I would infer that certain people are not in support of Social Security. And I would love to know who's not in support of Social Security. And I can vouch for myself fully in support. What this measure is about is ways to help or to look at different options to improve it.

"And also to refute a second point, is that it's my understanding, although I'm not, maybe been around so, so long, but I've been here long enough before the Iraq War started, that there was much concern over the situation with Social Security and the fact that it looked like it was a dire situation of not being continued. So the fact that, the point made that the Iraq War has caused this situation, I think is fallacious.

"So I just wanted to clarify that I don't think anyone in this Chamber, I would love to know who is not in support of Social Security."

Representative Moses rose to respond, stating:

"Thank you. Still in support of Social Security and am opposed to this measure. Mr. Speaker, we heard talk about Gross National Product and that's not what we're talking about here. Really, it's Social Security, but just for the Member's edification, the Gross National Product, I'm sorry the percent of our debt. Our debt is a lower percentage of our Gross National Product than it's ever been. So you might talk about the growing debt, but you have to look at what we're bringing in as a country and the ratio is going way, way down. Thank you."

Representative Souki rose to respond, stating:

"Mr. Speaker, rebuttal please. Mr. Speaker, I may favor privatization if they would provide the money to Halliburton. As the war continues, Halliburton gets richer all the time. So that might be a way of us getting some money and some good return on our Social Security. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker. Thank you. Again, still in opposition to this Resolution. The language in this Resolution is just skewed. About the fourth or fifth Whereas: Whereas opponents of Social Security. People who are looking at ways of solving the problems we have with Social Security are not opponents of Social Security. They are realists. They are people looking at a real problem that is down the road.

"Just because one Party doesn't want to even look at it or touch it, doesn't mean that ... I mean, it just means that just think it's too

sacred. You can't do anything. Congress has over the years, in trying to address the problem with Social Security, which listening to the conversation in this Chamber, you might think there was no problem. They have lengthened the age before you can file for Social Security. This has all been done in recognition that we are going to have a problem.

"We have this huge number of 'baby boomers' that are going to be retiring in droves and we're going to have a problem funding it. But because somebody is looking at the problem and thinks that we need to find some solutions, doesn't make them opponents of the Social Security Fund. 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. 6, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING PRESIDENT BUSH AND THE UNITED STATES CONGRESS TO NOT PRIVATIZE SOCIAL SECURITY," was adopted, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses and Stonebraker voting no, and with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1809-06) recommending that S.C.R. No. 43, 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. 43, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1810-06) recommending that S.C.R. No. 144, 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. 144, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A LONG-TERM CARE INFRASTRUCTURE PLAN FOR HAWAII TO ENSURE PUBLIC SAFETY WHILE SUPPORTING AGING IN PLACE," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1811-06) recommending that S.C.R. No. 204, 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. 204, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Souki and Caldwell, for the Committee on Transportation and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1812-06) recommending that S.C.R. No. 47, 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. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO

REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Souki and Caldwell, for the Committee on Transportation and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1813-06) 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 Committees was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO IMPROVE THE SYNCHRONIZATION OF TRAFFIC SIGNALS ON ALA MOANA BOULEVARD BETWEEN PUNCHBOWL STREET AND KALAKAUA AVENUE, AND TO ASSUME JURISDICTION OF THAT SAME PORTION OF ROAD IN THE INTEREST OF PROMOTING SAFE TRAFFIC FLOW," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

CONFERENCE COMMITTEE REPORT

The Chair then announced:

"Members, please note the 48-hour notice for Conference Committee Report No. 4-06, as listed on page 4."

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. 2609, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 4-06) recommending that S.B. No. 2609, 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. 4-06 and S.B. No. 2609, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 283) was placed on the members' desk and referred:

H.R. No. 283, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL BILLS TO BE CONSIDERED FOR FINAL READING BE LISTED ON THE ORDER OF THE DAY AT LEAST TWENTY-FOUR HOURS IN ADVANCE OF FINAL READING," was offered by Representative Harbin.

Representative Harbin rose, stating:

"Mr. Speaker, before I go into announcements, I'd like to once again return us to the order of business. Rule 30, Order of Business says that after the fourth order, the House may specify that special orders be taken up. I hereby request that House Resolution No. 238 be set for rule change debate in 24 hours. That would be tomorrow."

The Chair then stated:

"At this point, the Chair would like to note to all of you, that the Chair has made a decision as far as referring to the Committee on Legislative Management/Judiciary. That is the legislative process that we have here in this House and this Chamber. And that is the process that you would have to consider, Representative Harbin."

Representative Harbin responded, stating:

"Thank you, Mr. Speaker. Thank you for that ruling and obviously I'm not content with that ruling because I feel it's contrary to Rule 57. So therefore pursuant to Section 230 of the *Mason's* rules of procedure, I would like to appeal your ruling to the Members. Thank you."

At this time, Representative Harbin moved to appeal the decision of the Chair in referring H.R. No. 283 jointly to the Committee on Legislative Management and the Committee on Judiciary.

Representative M. Oshiro rose to point of order, stating:

"Mr. Speaker. Point of order, I believe that there is no appeal to be made because the Chair has not made a decision on a matter before this Body. So it's an inappropriate motion and she's out of order, Mr. Speaker."

Representative Harbin responded, stating:

"Mr. Speaker, I believe my motion is on the Floor waiting for a second. And I believe that the prior motion is out of order. So if I could have a second on my motion to appeal please. Thank you."

Representative Finnegan then seconded the motion.

The motion was put to vote by the Chair and upon a show of hands, the motion to appeal the decision of the Chair in referring H.R. No. 283, entitled: "AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL BILLS TO BE CONSIDERED FOR FINAL READING BE LISTED ON THE ORDER OF THE DAY AT LEAST TWENTY-FOUR HOURS IN ADVANCE OF FINAL READING," jointly to the Committee on Legislative Management and the Committee on Judiciary, was defeated. (Representatives Cabanilla, Halford, Saiki, Stevens and Stonebraker were excused.)

ANNOUNCEMENTS

Representative Harbin: "I have an announcement. Thank you. I would like to announce that there was a news release and I'm not too sure everyone in this Body has been aware of it. That HCDA is seeking input on the historic Ala Moana Pump Station Policy Study. I do believe that in this particular website and this particular news release, they are discussing placing low rise and possibly medium rise residences at the historic Pump location behind the building.

"So I got the information, if anybody would like to come to my office. I can give you the website because they're planning to make a decision on high rise, low rise, medium rise residences on *makai* side behind the historic Pump. So I just wanted to give my colleagues notice. Thank you."

Representative Arakaki, for the Committee on Health, requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 70, with a proposed HD 1; S.C.R. No. 72, with a proposed HD 1; and S.C.R. No. 76, tomorrow at 8:45 a.m. in Conference Room 229, and the Chair "so ordered."

Representative Arakaki continued, stating:

"SCR 70 and 72 are two measures that the Committee intends to amend and we did provide advance copies of the proposed HD 1. The first has to do with a taskforce or committee to look at developing a method of assisting children and screening them for children ages three to eight prior to their entrance into school.

"The second, requests the Department of Health to conduct bacterial level testing of the sand at beaches that have been deemed to be contaminated.

"The third resolution, we just received a re-referral to Health only. And this is for safe staffing guidelines for nurses here in Hawaii."

Representative Harbin: "Thank you, Mr. Speaker. I have another announcement. Tonight or this afternoon between 5:00 and 6:00, for those of you that are in Conference Committee and those of us that are not, on Hawaii Public Radio, tonight from 5:00 to 6:00 on the Town Square, two Representatives have been invited to participate in the ups and downs of being a political appointee to the House of Representatives. And that would be Representative Stevens from Waikiki and myself. So if any anybody would like to call in, the number is 941-3689, but it will be on the radio for the driving public. And it should be a very interesting discussion. Maybe we can talk about the Resolution at that time too. Thank you."

Representative Magaoay, for the Committee on Legislative Management, requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 32, SD 1, and S.C.R. No. 216, tomorrow at 10:00 a.m. in Conference Room 309, and the Chair "so ordered."

Representative Magaoay continued, stating:

"SCR 32, SD 1 is Requesting the State Procurement Office and the State Ethic Commission to Review Possible Procurement Code and Ethic Violation Committed by the Department of Business, Economic Development, and Tourism; and SCR 216, Creating a Legislative Taskforce to Make Recommendations for a Statutory Enactment to Enhance Transparency in Legislative Proceedings."

ADJOURNMENT

At 1:16 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 21, 2006. (Representatives Cabanilla, Halford, Saiki, Stevens and Stonebraker were excused.)

OTHER COMMUNICATION

The following communication was received by the Clerk on April 20, 2006:

"The Senate
The Twenty-Third Legislature
of the
State of Hawaii
STATE CAPITOL
HONOLULU, HAWAII 96813

April 19, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 995, SD1, HD1, CD1
"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3,
OF THE HAWAII CONSTITUTION TO REMOVE THE
MANDATORY RETIREMENT AGE FOR STATE JUSTICES
AND JUDGES."

S.B. No. 2246, SD1, HD2, CD1

"PROPOSING AN AMENDMENT TO ARTICLE I OF THE
CONSTITUTION OF THE STATE OF HAWAII RELATING TO
SEXUAL ASSAULT."

S.B. No. 2479, HD1, CD1

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION
12, OF THE HAWAII STATE CONSTITUTION."

Respectfully,
/s/Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate

PTK:law
Enclosure

cc: Patricia Mau-Shimizu
Clerk of the House"

HOUSE COMMUNICATIONS

House Communication dated April 20, 2006, 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:

1740, SD1, HD1 Takamine, Chair; Kawakami, Nakasone,
Moses

3185, SD2, HD2 Morita/Herkes/Takamine, Co-Chairs;
Thielen

House Communication dated April 20, 2006, 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. 266, Added Representative Stevens as a member.
HD 1, SD 2

H.B. 2043, Added Representative Finnegan as a
HD 2, SD 3 member.

S.B. 3084, Discharged Representative Evans as Co-
SD 2, HD 3 Chair.
Added Representative Yamashita as Co-
Chair.

S.B. No. 3105, Discharged Representative Kawakami as
SD 2, HD 2 Co-Chair.
Added Representative Takamine as Co-
Chair.