

FIFTY-THIRD DAY

Friday, April 21, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Ezra R. Kanoho, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Stonebraker and Thielen, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 263 through 265) were received and announced by the Clerk:

Gov. Msg. No. 263, dated April 6, 2006, transmitting the Department of Transportation's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 264, dated April 13, 2006, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2005.

Gov. Msg. No. 265, transmitting the following:

"EXECUTIVE CHAMBERS
HONOLULU

April 18, 2006

The Honorable Calvin K. Y. Say
Speaker of the House of Representatives
Twenty-Third State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

In a letter dated February 10, 2006, I had requested your immediate consideration and passage of S.B. No. 2339, Making an Emergency Appropriation to the Department of Health (DOH) for the Emergency Medical Services System Branch, to appropriate emergency funding to address deficits in ambulance service contracts and to request an increase in the expenditure ceiling for the emergency medical services special fund in accordance with Section 9, Article VII of the Constitution of the State of Hawaii.

I am now requesting to amend Senate Bill No. 2339, S.D. 2, H.D. 1, to add emergency funding in the amount of \$2,356,497 in general funds to pay for Hawaii National Guard helicopter medical transport services. As you know, this critical service was provided by the United States Army, but due to the deployment of the unit, the Hawaii National Guard has provided the service. The cost may appear high but this is the only available alternative for the remainder of FY 06. For FY 07, the United States Army is procuring private air ambulance services which will include the emergency transport of injured civilians on Oahu. The State will reimburse the Army on a per transport basis.

Attached is a proposed C.D. 1 of Senate Bill No. 2339, S.D. 2, H.D. 1, that incorporates the requested additional appropriation requirements for DOH.

The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to Section 37-92, HRS.

Including appropriations made up to and including the regular and special sessions of 2005, the Executive Branch appropriation ceiling for FY 06 has already been exceeded by \$165,665,981 or 3.83 percent. Funding requested in this measure for emergency medical transport services will result in the appropriation ceiling for the Executive Branch to now be exceeded in FY 06 by \$9,511,232, or 0.22 percent. This current declaration takes into account additional general fund appropriations authorized for FY 06 in this measure only, and does not include other general fund appropriations for FY 06 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2006.

We appreciate your prompt attention to this matter. DOH and the Department of Defense will be available to answer any questions you may have on this request.

Sincerely,
/s/Linda Lingle
LINDA LINGLE

Attachment

c: Honorable Dwight Y. Takamine

S.B. NO. 2339
S.D. 2, H.D. 1 Proposed C.D. 1

A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH.

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

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the state of Hawaii.

SECTION 2. Although funds were appropriated to the department of health for emergency medical services for the fiscal period beginning July 1, 2005, and ending June 30, 2006, a critical funding emergency now exists.

The purpose of this Act is to appropriate additional funds for ambulance service contracts and other costs, and helicopter medical transport services.

An additional \$7,154,735 in general funds for fiscal year 2005-2006 is required to pay for unexpected ambulance service contract collective bargaining costs, fuel and other ambulance service operating costs, and contract ambulance billing and collection costs. This emergency appropriation is necessary to comply with collective bargaining increases negotiated by ambulance service providers statewide, increases in fuel and other ambulance service operating costs, and increases in workload in contracted ambulance billing and collection services. In addition, the purpose of this Act is to request an increase in the expenditure ceiling of the emergency medical services special fund due to an increase in costs in contract ambulance services in Maui and Kauai counties.

An additional \$2,356,497 in general funds for fiscal year 2005-2006 is required to pay for Hawaii National Guard helicopter medical transport services. This emergency appropriation is necessary to cover costs incurred by the National Guard in providing critical transport services that were previously provided by the United States Army.

SECTION 3. There is appropriated out of the general revenues of the state of Hawaii the sum of \$9,511,232 to the department of

health, to be distributed as follows:

- (1) The sum of \$5,621,552, or so much thereof as may be necessary, for fiscal year 2005-2006 for the city and county of Honolulu for ambulance related services, including general operating expenses, equipment, and supplies;
- (2) The sum of \$867,531, or so much thereof as may be necessary, for fiscal year 2005-2006 for the county of Hawaii for ambulance related services, including general operating expenses, equipment, and supplies;
- (3) The sum of \$394,330, or so much thereof as may be necessary, for fiscal year 2005-2006 for the purposes of payment to the American Medical Response-Maui;
- (4) The sum of \$178,976, or so much thereof as may be necessary, for fiscal year 2005-2006 for the purposes of payment to the American Medical Response-Kauai to comply with negotiated collective bargaining agreements, increases in fuel costs, and other ambulance service operating costs;
- (5) The sum of \$92,346, or so much thereof as may be necessary, for fiscal year 2005-2006 for emergency medical system contract ambulance billing and collection costs; and
- (6) The sum of \$2,356,497, or so much thereof as may be necessary, for fiscal year 2005-2006 for costs incurred by the Hawaii Army National Guard in providing helicopter medical transport services on Oahu.

SECTION 4. There is appropriated out of the emergency medical services special fund the sum of \$441,721, or so much thereof as may be necessary, for fiscal year 2005-2006 to be used for:

- (1) Increased costs in contract ambulance services for the counties of Maui and Kauai; and
- (2) Payment of the central service assessment and department administrative expenses for fiscal year 2005-2006.

SECTION 5. The sums appropriated in sections 3 and 4 shall be expended by the department of health.

SECTION 6. This Act shall take effect upon its approval."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 766 through 785) were received and announced by the Clerk:

Sen. Com. No. 766, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on March 30, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading.

S.B. No. 2255, "RELATING TO TIME LIMITATIONS."
SD 1, HD 1

S.B. No. 2603, "RELATING TO MOTOR VEHICLE INSURANCE."
SD 1, HD 1

Sen. Com. No. 767, dated April 20, 2006, informing the House that the Senate has, on April 19, 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. 2606, "RELATING TO BAIL."
HD 1

Sen. Com. No. 768, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on April 11, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading.

S.B. No. 2597, "RELATING TO APPELLATE JURISDICTION."
HD 1

S.B. No. 2599, "RELATING TO APPEALS."
HD 1

S.B. No. 2607, "RELATING TO TRANSFER OF APPEALS."
SD 1, HD 1

Sen. Com. No. 769, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on April 13, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading.

S.B. No. 1317, "RELATING TO COURT APPOINTED COUNSEL."
SD 1, HD 1

S.B. No. 1512, "RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW."
SD 1, HD 3

S.B. No. 2166, "RELATING TO MINORS."
SD 2, HD 3

Sen. Com. No. 770, dated April 20, 2006, informing the House that the following conferee assignment was listed incorrectly on the letter dated April 19, 2006, and corrected assignment is listed as follows:

S.B. No. 2913, SD 1, HD 1 Menor, Chair; Espero

Sen. Com. No. 771, transmitting H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 772, transmitting H.C.R. No. 27, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES CONGRESS, THE PRIME MINISTER OF JAPAN, THE JAPAN DEFENSE AGENCY, AND THE NATIONAL DIET OF JAPAN TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 773, transmitting H.C.R. No. 57, entitled: "HOUSE 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 20, 2006.

Sen. Com. No. 774, transmitting H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AND SECURE PASSAGE OF FEDERAL LEGISLATION ESTABLISHING A CATASTROPHIC REINSURANCE FUND TO SUPPORT STATE EFFORTS TO KEEP HOMEOWNERS' DISASTER INSURANCE AFFORDABLE," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 775, transmitting H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS

REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 776, transmitting H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 777, transmitting 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," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 778, transmitting 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," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 779, transmitting H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 780, transmitting H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 781, transmitting H.C.R. No. 273, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TRADE REPRESENTATIVE TO INCLUDE A REPRESENTATIVE OF THE STATE OF HAWAII IN THE MEMBERSHIP OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE ON TRADE AND DESIGNATE THIS REPRESENTATIVE AS THE SINGLE POINT OF CONTACT FOR THE STATE OF HAWAII," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 782, transmitting H.C.R. No. 41, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 783, transmitting H.C.R. No. 109, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PLANNED 2006 COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 784, 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 Senate to the following House Bill:

1928, HD2, SD2 Kokubun, Chair; Taniguchi/Inouye/
Fukunaga, Co-Chairs; Hemmings

Sen. Com. No. 785, dated April 20, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. No. 1648, Added Senator Taniguchi as Co-Chair.
SD 1, HD 2

S.B. No. 2298, Added Senator Baker as a conferee.
SD 1, HD 1

S.B. No. 2461, Discharged Senator Baker as a conferee.
SD 1, HD 1 Added Senator Baker as Co-Chair.

S.B. No. 2913, Added Senator Baker as a conferee.
SD 1, HD 1

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 64) was received by the Clerk and was placed on file:

Dept. Com. No. 64, dated April 20, 2006, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report required by Act 3, Special Session Laws of Hawai'i 2005, as prepared by a consultant engaged by the Office of the Auditor.

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>
284	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>
237, HD3, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

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>
31, SD1	Committee on Consumer Protection & Commerce

77, Jointly to the Committee on Human Services and the
SD2, Committee on Health
HD1

81, Jointly to the Committee on Human Services and the
SD1, Committee on Health
HD1

86, Committee on Energy & Environmental Protection
SD1,
HD1

117, Committee on Health
SD1,
HD1

STANDING COMMITTEE REPORT

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1814-06) recommending that S.C.R. No. 52, 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. 52, SD 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," was adopted, with Representatives Abinsay, Stonebraker 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. 1815-06) recommending that S.C.R. No. 67, SD 1, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 67, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANSION PROGRAM," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1816-06) recommending that S.C.R. No. 141, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 141, 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," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1817-06) recommending that S.C.R. No. 33, 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. 33, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONTINUE TO

COLLABORATE WITH THE HAWAII HARBOR USERS GROUP TO IMPLEMENT PLANNED IMPROVEMENTS AND CONSTRUCTION TO IMPROVE CARGO TERMINAL AND CONTAINER FACILITIES AT HONOLULU HARBOR, KAHULUI HARBOR, AND HILO HARBOR, AND COMMENDING AND CONGRATULATING THE DEPARTMENT OF TRANSPORTATION AND THE HAWAII HARBOR USERS GROUP FOR THEIR FINE WORK IN COMPLETING THE HAWAII HARBORS USER GROUP'S REPORT," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1818-06) recommending that S.C.R. No. 46, 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. 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," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1819-06) recommending that S.C.R. No. 48, 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. 48, SD 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," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1820-06) recommending that S.C.R. No. 74, 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. 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," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1821-06) recommending that S.C.R. No. 116, 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. 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," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1822-06) recommending that S.C.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 S.C.R. No. 129, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COOPERATION FROM THE LEGISLATURE AND THE DEPARTMENT OF HEALTH TO FACILITATE THE DEVELOPMENT OF A REGIONAL HEALTH INFORMATION ORGANIZATION IN HAWAII," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1823-06) recommending that S.C.R. No. 140, 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. 140, SD 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," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1824-06), recommending that S.C.R. No. 119, SD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 119, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO CONSIDER THE MERITS OF RECOGNIZING HYPNOTHERAPY AS A LEGITIMATE PROFESSION AND HYPNOTHERAPISTS AS PROVIDERS OF HUMAN SERVICES SEPARATE AND INDEPENDENT FROM OTHER MENTAL HEALTH PROFESSIONS," was referred to the Committee on Consumer Protection & Commerce with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1825-06), recommending that S.C.R. No. 117, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 117, SD 1, HD 1, entitled: "SENATE 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 referred to the Committee on Finance with Representatives Abinsay, Stonebraker 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. 1826-06), recommending that S.C.R. No. 77, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 77, SD 2, HD 1, 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, FIRST, MEDICAID OR QUEST RECIPIENTS AND, SECOND, FOR INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE," was referred to the Committee on Finance with Representatives Abinsay, Stonebraker and Thielen being excused.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 284) was placed on the members' desk and referred:

H.R. No. 284, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL PROPOSED DRAFTS OF BILLS AND RESOLUTIONS BE PROVIDED SIMULTANEOUSLY TO MEMBERS IN BOTH PAPER AND ELECTRONIC FORM," was offered by Representative Harbin.

At this time, Representative Harbin rose, stating:

"Mr. Speaker, I don't have an announcement yet. I would like to point us to House Resolution 284 and request that pursuant to Rule 57 of the House of Representatives rules, that this particular measure be given 24-hour notice, to date for Monday, before this Body."

The Chair responded, stating:

"Representative Harbin, at this time, this particular House Resolution No. 284 is not before this Body. It has been referred to the Committee on Legislative Management/Judiciary. It is on your Referral Sheets, Members of this Chamber."

Representative Harbin: "Mr. Speaker. Pursuant to Rule 57, which states that motions that deal with amendments to rules, this is a special order and therefore it is not a referable issue. It's an issue that must be placed on the agenda for debate before this Body."

Speaker Say: "Representative Harbin, I believe you're incorrect at this point and time. If you want to appeal the Chair's decision, you may at this point."

At this time, Representative Harbin moved to appeal the decision of the Chair in referring H.R. No. 284 jointly to the Committee on Legislative Management and the Committee on Judiciary.

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. 284, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL PROPOSED DRAFTS OF BILLS AND RESOLUTIONS BE PROVIDED SIMULTANEOUSLY TO MEMBERS IN BOTH PAPER AND ELECTRONIC FORM," jointly to the Committee on Legislative Management and the Committee on Judiciary, was defeated. (Representatives Abinsay, Stonebraker and Thielen were excused.)

ANNOUNCEMENTS

Representative Takamine, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing SCR 128, Requesting the Department of Hawaiian Homelands Enter into a Lease/Purchase Agreement for the Construction of a New Office Facility on Hawaiian Homelands in East Kapolei to be Funded by the Issuance of Certificates of Participation.

At 12:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

Representative Takamine: "Thank you, Mr. Speaker. SCR 128, SD 1, will be added to the public hearing by your House Committee on Finance this afternoon, in Conference Room 308 at 5:30 pm, with decision making to following," and the Chair "so ordered."

ADJOURNMENT

At 12:23 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 24, 2006. (Representatives Abinsay, Chang, Schatz, Stonebraker, Thielen, Tsuji and Waters were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 21, 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 discharged all conferees to Senate Bill 3186, S.D. 2, H.D. 2.

House Communication dated April 21, 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:

2412, HD1, SD1 Takamine, Chair; Kawakami, Nakasone, Moses

House Communication dated April 21, 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. 237, Discharged Representative Arakaki as Co-
HD 3, SD 1 Chair.

H.B. 2153, Discharged Representative Nakasone as Co-
HD 2, SD 2 Chair.
Added Representative Magaoay as Co-
Chair.

S.B. 1081, Added Representative Cabanilla as a
SD 2, HD 1 member.

S.B. No. 2961, Discharged Representative Nakasone as Co-
SD 1, HD 1 Chair.
Added Representative Magaoay as Co-
Chair.

FIFTY-FOURTH DAY

Monday, April 24, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Jon Riki Karamatsu, after which the Roll was called showing all members present with the exception of Representatives Chang, M. Oshiro, Souki and Stonebraker, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 266 through 268) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 266, informing the House that on April 21, 2006, the following bill was signed into law:

S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES." (ACT 010)

Gov. Msg. No. 267, informing the House that on April 21, 2006, the following bill was signed into law:

H.B. No. 3250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS." (ACT 011)

Gov. Msg. No. 268, informing the House that on April 21, 2006, the following bill was signed into law:

H.B. No. 2057, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 012)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 786 through 808) were received and announced by the Clerk:

Sen. Com. No. 786, transmitting H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 787, transmitting H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF THE NAVY TO PROVIDE RENT RELIEF TO THE USS BOWFIN SUBMARINE MUSEUM AND PARK AND USS MISSOURI MEMORIAL," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 788, transmitting H.C.R. No. 76, H.D. 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," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 789, transmitting H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE AVAILABLE SCIENTIFIC RESEARCH ON DECABROMODIPHENYL ETHER AND ASSESS THE AVAILABILITY OF SAFER, EFFECTIVE, AND TECHNICALLY FEASIBLE FLAME RETARDANTS THAT CAN BE USED IN ITS PLACE," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 790, transmitting 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," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 791, transmitting H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 792, transmitting H.C.R. No. 155, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 793, transmitting H.C.R. No. 226, H.D. 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," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 794, transmitting 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," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 795, transmitting H.C.R. No. 262, H.D. 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 KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 796, transmitting H.C.R. No. 290, H.D. 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," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 797, transmitting H.C.R. No. 12, S.D. 1, entitled: "HOUSE 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 21, 2006.

Sen. Com. No. 798, transmitting H.C.R. No. 30, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 799, transmitting H.C.R. No. 88, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 800, transmitting H.C.R. No. 98, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE STATEWIDE FERAL PIG POPULATION," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 801, transmitting H.C.R. No. 164, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSULT WITH HAWAIIAN CIVIC ORGANIZATIONS BEFORE SELECTING ANY COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 802, transmitting H.C.R. No. 197, S.D. 1, 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," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 803, transmitting H.C.R. No. 312, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INSTITUTE FOR HUMAN RIGHTS TO CONVENE A WORKING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING UNITED NATIONS' HUMAN RIGHTS INSTRUMENTS FOR ADOPTION BY THE STATE OF HAWAII," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 804, dated April 21, 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:

1021, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Hogue
1214, HD2, SD2	Kanno, Chair; Espero, Co-Chair; Hanabusa
1800, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Kanno, Tsutsui, Hogue
2176, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Inouye, Whalen

2966, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Tsutsui, Whalen
2991, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Tsutsui
3118, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Fukunaga, Tsutsui, Hogue

Sen. Com. No. 805, dated April 21, 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:

2076, SD2, HD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Kokubun, Hogue
2545, SD2, HD 2	Menor, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Trimble
2773, SD3, HD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Kokubun, Hogue
2958, SD2, HD 1	Menor, Chair; Taniguchi, Co-Chair; Baker, Chun Oakland, Espero, Tsutsui, Whalen

Sen. Com. No. 806, dated April 21, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1867, HD 1, SD 2	Added Senator Espero as a conferee.
H.B. No. 2678, HD 2, SD 2	Added Senator Ihara as a conferee.
H.B. No. 2947, HD 2, SD 2	Added Senator Espero as a conferee.
H.B. No. 2950, SD 2	Added Senator Espero as a conferee.
S.B. No. 3021, SD 2, HD 2	Added Senator Taniguchi as a conferee.

Sen. Com. No. 807, dated April 21, 2006, informing the House that the following conferee assignment was listed incorrectly on the letter dated April 20, 2006, and corrected assignment is listed as follows:

S.B. No. 2193, SD 1, HD 1	Menor, Chair; Ige, Whalen
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Sen. Com. No. 808, dated April 21, 2006, informing the House that the Senate has, on April 20, 2006, reconsidered its action taken on April 13, 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. 2357, HD 1	"RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997."
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ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R.
No. Referred to:

285 Jointly to the Committee on Legislative Management and the Committee on Judiciary

At this time, Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I would like to, pursuant to Rule 57, ask that House Resolution No. 285, titled: Amending the Rules of the House of Representatives to Require That the Order of Day be Posted in Both Paper and Electronic Form at Least Twenty-Four Hours in Advance, be set for debate on Tuesday, April 25th at 12:00."

The Chair responded, stating:

"Thank you very much for your request. That particular request will be denied at this point and time. House Resolution No. 285 has been referred to the Committees on Legislative Management/Judiciary."

Representative Harbin: "Thank you, Mr. Speaker. If I may, pursuant to Rule 2, Subparagraph 15, the Speaker does not have authority to refer this particular measure to Committee. And this matter is pursuant to special rule, Rule 30, which is discussing special rules. This matter must be taken up at a specific point on the order of business. If I may please have that done. Thank you."

Speaker Say: "Thank you very much. Your statement is incorrect at this point. And if you would like to appeal the Chair's ruling, you may at this time."

Representative Harbin: "If I may, I'd like to, if I could, a point of order please, sir. Again, I must direct us to Rule 2, Subparagraph 15, which states that, within 4 session days that you have the right to refer all bills to committees which have subject matters within the House. At no place in the rules does it give you the authority to refer any resolution, especially resolutions that are under Rule 57. If I may, based upon that particular statement, appeal your ruling, but I would like to also mention Mr. Speaker, that my initial motion that was denied is actually a very debatable motion."

Speaker Say: "At this point, it is not a debatable motion. And the Chair will stand on the referral as far as House Resolution 285. If you like to appeal the Chair's ruling, you may at this point."

Representative Harbin: "Yes, Mr. Speaker, I'd like to appeal your ruling, and I may have other procedural issues that I will probably take up tomorrow because obviously the appeal will go down because the Majority will, of course, vote with you. So why don't we just vote on it and then I'll have another procedure to discuss tomorrow. Thank you."

Representative Sonson rose, stating:

"Mr. Speaker, at this time, I'd like to stand on a point of privilege. Mr. Speaker, we've heard the former, not former Representative but ..."

Representative Takai rose, stating:

"Mr. Speaker, point of information. I believe there is a motion on the Floor. It needs a second."

The Chair responded, stating:

"There is no second at this point and that's why the Chair recognized Representative Sonson."

Representative Sonson continued, stating:

"Thank you very much, Mr. Speaker. Mr. Speaker, we've heard this debate over these issues brought on by our colleague, my colleague sitting on my left. I believe that the Chair has made it clear

that the ruling is going to be the same regardless whether she's going to bring up a motion today, tomorrow, or the other previous times. It seems to me that at this point, it does affect the Members as far as time management. And it affects this Body, regarding to time management.

"I don't want to listen to the same motion every day from now until *Sine Die*. Mr. Speaker, I think at this point, it's just a waste of time. You have given her the privilege to speak on it three times. The same issue, the same arguments and the same result. Therefore Mr. Speaker, if this is going to continue, it really will be some precedent that will be set. That if somebody wants to bring attention to themselves on the Floor because there are cameras rolling, whatever the reason may be, at this point there is no reason for continued debate on these same issues. It does affect this Body in the way we do business. We are running on a lot of deadlines. And frankly Mr. Speaker, I think I can speak since I'm sure of this, I've heard enough of this and we should stop it. Thank you very much."

Representative Harbin rose to a point of personal privilege, stating:

"Mr. Speaker, on a point of personal privilege so that I can respond back to the prior speaker. I believe if the prior speaker were to stand back and take a look at what I'm trying to do, it's not a matter of cameras running or rolling. What it is, is a matter of transparency in this Body. It's a matter of this Body proceeding under its own rules and the rules of *Mason's*, which we have adopted as our bible of behavior. And I think that we are so concerned about this perception in the public place that we are not open for business to the public for transparency that we are in fact going to be hearing SCR 216 on the Floor very soon, which is to establish a task force for transparency. I stand down. Thank you."

Representative Takai rose to a point of order, stating:

"Point of order, Mr. Speaker. Thank you, Mr. Speaker. I think you made your decision Mr. Speaker and if the Representative wants to continue under the appeal, we can, but I believe we need to move on."

Representative Harbin continued, stating:

"Mr. Speaker, as a point of order, I'm responding to the prior speaker. I am responding to the prior speaker, in that I have been accused of standing and trying to make a point of showing off and I'm not."

Speaker Say: "And your point is well taken."

Representative Harbin: "I'm trying to make a big point of the fact that this Body does not follow its own rules. And I will continue to make that point until we at least get some of these resolutions on the Floor for debate because the public is asking me, as their Representative, the Downtown Representative, as I walk the streets, that this Body is not responsive and is not open for transparency. Those are the reasons for these resolutions. To make us to look at own rules and follow our own rules. That's it."

"Time, yes we are running out of time, but that we're running out of time, we cannot rush to make laws that impact the people of Hawaii because we are running out of time."

Speaker: "Members, let's proceed on with the Order of the Day."

Representative Meyer rose, stating:

"Mr. Speaker, was there a second needed for the Representative from Downtown? You asked her, if she wanted to appeal, and she said, 'yes'. She didn't make a motion for an appeal."

Speaker Say: "There is no motion for the appeal at this point."

Representative Meyer: "So there is no need for a second."

SUSPENSION OF RULES

Representative B. Oshiro moved that the rules be suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar, seconded by Representative Meyer.

At this time, the Chair stated:

"Members, any questions? What is the motion before this House, Representative Stevens? If you want to learn about process, this is the process."

Representative Stevens responded, stating:

"Mr. Speaker, I believe the motion is to consider certain bills, which I believe refers to Senate Bill 2609 for consideration before the House."

Speaker Say: "Your point is well taken. It is the motion to suspend the Rules of the House to consider certain Senate Bills for Final Reading by consent calendar. Any questions at this point?"

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar. (Representatives Chang, M. Oshiro, Souki and Stonebraker were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 4-06 and S.B. No.2609, SD 1, HD 1, CD 1:

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2609, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Final Reading by a vote of 47 ayes and, with Representatives Chang, M. Oshiro, Souki and Stonebraker being excused.

At 12:21 o'clock p.m., the Chair noted that S.B. No. 2609, SD 1, HD 1, CD 1, passed Final Reading.

At this time, the Chair announced:

"Members, please note that Senate Concurrent Resolution No. 77, SD 2, HD 1, was re-referred solely to the Committees on Human Services and Health. And likewise Senate Concurrent Resolution No. 117, SD 1, HD 1, was re-referred solely to the Committee on Health per committee referral sheet number 62 dated April 21st, 2006. The Committee on Finance 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 Takai, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken on S.C.R. No. 77, SD 2, HD 1, and S.C.R. No. 117, SD 1, HD 1. (Representatives Chang, M. Oshiro, Souki and Stonebraker were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Takai moved that the House reconsider its action taken pursuant to the recommendations contained in Standing Committee Report Nos. 1826-06, in referring S.C.R. No. 77, SD 2,

HD 1, to the Committee on Finance; and 1825-06, in referring S.C.R. No. 117, SD 1, HD 1, to the Committee on Finance, seconded by Representative B. Oshiro, and carried. (Representatives Chang, M. Oshiro, Souki and Stonebraker were excused.)

ADOPTIONS

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, S.C.R. No. 77, SD 2, HD 1, 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, FIRST, MEDICAID OR QUEST RECIPIENTS AND, SECOND, FOR INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE," was adopted, with Representatives Chang, M. Oshiro, Souki and Stonebraker being excused.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, S.C.R. No. 117, SD 1, HD 1, entitled: "SENATE 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 Chang, M. Oshiro, Souki and Stonebraker being excused.

STANDING COMMITTEE REPORTS

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1827-06) recommending that S.C.R. No. 36, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROVE THE PROPOSED HAWAII INVASIVE SPECIES ACT," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1828-06) recommending that S.C.R. No. 55, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1829-06) recommending that S.C.R. No. 82, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 82, SD 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," was adopted,

with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1830-06) recommending that S.C.R. No. 150, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 150, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"I stand in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

At 12:24 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 12:25 o'clock p.m.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 1831-06) recommending that S.C.R. No. 113, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 113, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1832-06) recommending that S.C.R. No. 157, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 157, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1833-06) recommending that S.C.R. No. 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH

IN HAWAII," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1834-06) recommending that S.C.R. No. 115, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 115, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1835-06) recommending that S.C.R. No. 81, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committees be adopted, and that S.C.R. No. 81, SD 1, HD1, be adopted, 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."

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

Representative Shimabukuro's written remarks are as follows:

"In strong support. Mr. Speaker, the importance of this Resolution is highlighted by it making the front page of this morning's *Advertiser*.

"Mr. Speaker, put simply, this Resolution concerns whether we should support the Department of Human Services in providing incentives to mainland-based, for-profit insurance companies to enter and compete in the QUEST market.

"This Resolution urges the Department to address the impact of positive re-enrollment in the recently issued QUEST request for proposal, or RFP.

"Positive Re-Enrollment means that every year QUEST patients must now 're-enroll' in their health plans. If you fail to re-enroll by the deadline, QUEST will automatically assign you to the health plan with the lowest bid.

"Enter Summerlin. A Nevada-based, for profit, insurance company that wants to enter Hawaii's market by hopefully under-bidding the three current providers, HMSA, AlohaCare, and Kaiser.

"Who are these current providers? AlohaCare for one. AlohaCare is owned by a consortium of community health centers, such as Hana Health Center, Kalihi-Palama Health Center, Community Clinic of Maui, Hamakua Health Center, Waianae Coast Comprehensive Health Center, and other non-profit health centers providing care to the indigent in rural areas.

"Imagine, Mr. Speaker, if you were required to 're-enroll' in your health plan every year. If you missed the deadline, you'd be automatically re-assigned to a plan that bid the lowest to the State. Imagine your surprise if you show up at your neighborhood doctor, only to be told that you are no longer covered.

"Now imagine that you are homeless, mentally ill, illiterate, or physically abused. You either didn't receive, didn't understand, or didn't have the time to complete the positive re-enrollment form. Now you are told that you have to go elsewhere for medical treatment. Mr. Speaker, this could mean the difference between life and death for this fragile QUEST population.

"DHS thankfully understands the dire consequences of such a situation, and now plans to amend its RFP to include 'safety net' language that would permit a QUEST recipient to remain in their current plan if they show up at their previous provider and indicate that they misunderstood the process.

"This 'safety net' proposal brings up two important issues. First, if DHS is going to include it, then positive re-enrollment is totally unnecessary. Under the current system, all QUEST recipients may select a new plan during 'open enrollment' each July. If a recipient fails to select a new plan, they remain in their existing plan. This sensible set-up is what you and I experience each year with our health plans, resulting in no unintended disruption in critical medical service. The current open enrollment system provides more than enough incentive for companies like Summerlin to compete with AlohaCare and others.

"The other issue I have with the 'safety net' proposal is whether it is realistic. I find it hard to believe that every single receptionist, medical assistant, nurse, office worker, etc. at every health center, hospital, etc. will understand exactly what to do if a patient shows up and does not appear on the computer as covered under a qualified plan.

"I have represented a number of people who have fallen through the cracks of the QUEST system. One woman was told by QUEST that she was covered, that her card was in the mail, and provided with an identification number. Later that day she appeared before her doctor for a medical emergency and provided the receptionist with her identification number. Unfortunately, the receptionist could not verify with QUEST that the woman was covered, and charged her \$1,200 out of pocket for the services. Later that same day, the woman went to another medical center and received services under QUEST without a problem. Mr. Speaker, this unfortunate incident occurred in 2004 and there still has not been a resolution.

"Thus, I am very concerned that the safety net proposed with positive re-enrollment will prove to be unworkable.

"Mr. Speaker, the non-profit health care centers that own AlohaCare provide care to all, including the uninsured. Besides that, they willingly accept QUEST patients, despite the low reimbursement rates.

"To fund this extremely costly endeavor, the health centers created AlohaCare, which stepped in to fill the void when other insurance companies pulled out of the challenging business of providing care to the poor and needy. This effort toward decreasing dependence on government subsidies by self-funding through AlohaCare is a model that should be applauded and supported whole-heartedly by the Legislature.

"Do we want to unduly assist a for-profit company from the mainland that is trying to undercut locally owned companies providing healthcare to the poor such as HMSA and AlohaCare?

"The bottom line is this. Sure we want to encourage competition if it will result in better care for Hawaii's indigent population. But at what cost? On the one hand, we can go the route that will risk disruption in services to the patient. On the other hand, we can go the route that will risk providing fewer incentives for the companies. There is only one answer: We as government must not take any risk that could harm an indigent patient.

"Colleagues, do what is right and support this legislation."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 81, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE IMPACT OF POSITIVE ENROLLMENT IN THE RECENTLY ISSUED QUEST REQUEST FOR PROPOSAL," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

At 12:27 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 12:31 o'clock p.m.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1836-06) recommending that S.C.R. No. 86, SD 1, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 86, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII 2050 TASK FORCE TO USE A SCIENCE-BASED FRAMEWORK AS THE GUIDE TO MAPPING AND MEASURING THE SUCCESSES IN REALIZING THE GOALS OF THE SUSTAINABILITY PLAN," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1837-06) recommending that S.C.R. No. 49, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 49, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE STATE FIRE COUNCIL," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1838-06) recommending that S.C.R. No. 106, SD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 106, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in support of this concept that's stated in this Resolution in that, I think it's a very good idea that we as policymakers continue to not support bullying or any type of violence in the workplace. In every Session we should be addressing this issue.

"But I just wanted to raise a concern because this seems to run very counter to certain provisions in a bill making itself through the Legislature with uninsured insurance which will encourage and make it very easy for those that are fired for bullying or violence in the workplace, make it very easy for them to get unemployment benefits for a pretty good time. Plus also under that particular bill, it increases their benefits.

"So I really think that if we're going to send a message to the employers and the employees of the State of Hawaii, that this is in fact the message that we want to take, there needs to be some type of a penalty for those employees that are released from work due to violence or bullying. 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. 106, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker 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. 1839-06) recommending that S.C.R. No. 14, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 14, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker 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. 1840-06) recommending that S.C.R. No. 159, SD 1, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 159, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1841-06) recommending that S.C.R. No. 31, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS OF PROPOSED REGULATORY MEASURES REQUIRING PROFESSIONAL LICENSURE OF GENETIC COUNSELORS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Ito and Morita, for the Committee on Public Safety & Military Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1842-06) recommending that S.C.R. No. 170, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1843-06) recommending that S.C.R. No. 147, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1844-06) recommending that S.C.R. No. 12, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 12, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Reservations, please. Mr. Speaker, I spoken out on this subject several times. This measure is requesting the Department of Defense to present a Homeland Security plan to the Legislature. And this Body earlier took a very prudent course, I believe, in passing out a measure to the Senate to setup an oversight committee where sensitive material which could possibly aid terrorist could be disclosed within that body and still remain not publicly disclosed so as to threaten our State and our people.

"This measure just asks for them to present the material to the Legislature which makes it completely public knowledge and I think it's not the prudent way to go. 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 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 Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 12, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1845-06) recommending that S.C.R. No. 32, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 32, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this is a fairly bizarre Resolution in my view. On the face of it, it sounds okay. Requesting the State Ethics Commission to Review Possible Ethics Violations Committed by the Department of Business, Economic Development, and Tourism, which is referring to the Asian trips.

"Fairly bizarre Mr. Speaker, in several respects. One, this is not really an order of importance. Now first of all, the testifiers on this bill, there was only one person who planned to testify in favor of this Resolution and that is the Majority Leader. As you know, Mr. Speaker, from time to time, it's not very often, but sometimes we have a Representative sitting on the other side of the conference table and usually that's okay. In this particular case, the Majority Leader had very comprehensively put together testimony that if it was useful or valuable, one would think that members of the public would be interested and might have testified too.

"Well actually one member of the public did testify. A member of the public who's just sitting in the audience and heard the issue. He was there to speak about something else and decided that he would comment, but otherwise the only planned speaker in favor of this Resolution was the Majority Leader.

"Another unusual phenomena about this bill is that present was Mr. Mollway, who we are asking to pursue this the request of the Resolution, stated that, he had never seen this before. He had never seen a Resolution asking him to act. He's seen complaints before, but never a Resolution asking him to act. And he was not giving us a very clear signal about exactly what he was going to do except to say that he would be paying attention to the Legislature.

"Additionally, Mr. Speaker, there is report deadline asking for this, results of this review by September 1, '06. Are we having a Special Session, Mr. Speaker, in September? Normally we're asking for reviews to come back in December so when we're in Session we can take some action if we learn something useful. But to pick a date that's within a month of the primary election is, in my view, bizarre. And it hasn't been answered, why would we want that answer a month from the primary election.

"Additionally, Mr. Speaker, we have already asked the Auditor to review the trips to Asia. We did that in a previous Resolution. And that in itself was an interesting step, although I voted in favor of that Mr. Speaker, because I'm okay that this Legislature be clear about all of the great things that were done to create that trip and the great outcomes that came from that trip. So I think a review is okay.

"But in light of that and now this Resolution asking for the Ethics Commission to study this, this looks like we're trying to get all of the dogs to attack at once. And particularly to ask for the results by September 1. It's certainly not for us as a Legislature because we're not going to convene and do anything about it. Maybe it's for the press, but certainly not for our action.

"And additionally Mr. Speaker, as was brought up during the Resolution about the Auditor's review, which is the same subject matter essentially, apparently from the testimony we're trying to drive at exactly the same information."

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

Representative Halford continued, stating:

"During testimony for that, the issue was brought up from the proponents, which is Leadership essentially Mr. Speaker, proponents for this 'headhunt', I guess. I'm couching it now as 'headhunt' because I'm seeing this report date, rather than an information gathering phenomenon, which is what I was voting yes on. I voted yes on the Auditor Resolution because I'm okay with information gathering. But compounding these, that perhaps it's a headhunt, Mr. Speaker. And in the previous testimony, the Auditor review, the issue of 'pay-to-play' came up. That the purpose of Leadership is to look at 'pay-to-play'.

"Mr. Speaker, I'm okay to talk about 'pay-to-play', but that is a whole other issue. When we conduct fundraisers during Session, that can be characterized as 'pay-to-play'. When the Majority conducts a fundraiser during Session, where 80% of the Members of this Body conduct a fundraiser ..."

Representative Yamane rose to a point of order, stating:

"Point of order. Are we discussing fundraisers during this Legislative Session, or are we talking about the Resolution, Stand. Com. Report 1845?"

The Chair responded, stating:

"We're addressing the Stand. Com. Report 1845, Requesting the Ethics Commission to Review Possible Ethics Violations Committed by the Department of Business, Economic Development, and Tourism."

Representative Yamane: "Okay, I'm just trying to clarify since the speaker seems to be straying."

Representative Halford continued, stating:

"Thank you. So the issue of 'pay-to-play', if that's what this wishes to examine, then let's examine 'pay-to-play', including the majority of this Body fundraising during Session, asking for up to \$2,000 to attend a fundraiser, attended by almost anyone that wants to have their bills passed.

"So Mr. Speaker, let's do talk about 'pay-to-play' and I hope that issue comes up for further discussion as a general activity in government. How does 'pay-to-play' go in government, and how do we ourselves do that. But regarding this ethics review, I would be okay if someone wants to file a complaint, which is the normal process. But this Mr. Speaker, is bizarre. It's never been done before. And frankly, at the hearing, the Ethics Commissioner really didn't know what to do with it. Thank you."

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

"Thank you, Mr. Speaker. I will be voting with reservations on this measure. Let me explain why. I attended the hearings specifically because as a citizen participant last Session, procurement was a big issue for myself as a citizen. And one of the reasons is because procurement is becoming a huge industry in the State of Hawaii. And what this measure attempts to do is it attempts to attack, I think a very negative perception. And there is a very negative perception in the community of what this particular measure is discussing, and for that I support looking into this so that we can make a determination.

"However, with that being said, I took the time to attend the hearing as a sitting legislator because of my past experiences with procurement and the procurement industry. And I was there specifically so that I could ask the State Procurement Office, which was one of the testifiers, a specific question because I think we need to get to the bottom of this. Is this good? Or is this bad? Or is this a gray area that we need to fix?"

"However, reducing this to some type of a across the aisle issue of us versus them, I don't think is the correct way to do this. In talking with those in the federal procurement enforcement side, they find this to be very suspect also, and it does not perceive, and does not look well with the public. However, with that being said, while I sat in the hearing, I was waived off so I couldn't ask a very important question that I think might have given us some guidance on a way to deal with these types of issues.

"Last Session, again as a citizen participant, one of the issues that I worked very hard to do was to get the Hawaii Procurement Institute under the School of Law at the University of Hawaii. Who more can we trust than the School of Law? And we have a brain trust there that would be able to look at this and give us an opinion if this is in fact a gray area and perhaps give us suggestions on how to fix this type of things from happening.

"So making this into a partisan, ethics type of an issue, I think is going down the wrong trail because ethics and procurement are like oil and water, they just are two very different things. So we need to know, is this wrong or is this right? And until we get the wrong or right answer, we're going to have a bad perception and this is not going to solve that perception because it looks very partisan to me. Thank you."

Representative Halford rose to a point of information, stating:

"Just a point of information, Mr. Speaker. This Resolution in its form now, deleted all reference to procurement. That this deal with ethics only. It did as was pointed out, deal with procurement when she was at the hearing, but since then all procurement issues have been deleted from this. Thank you."

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

"Thank you, Mr. Speaker. On the same measure, I'm standing in support of this measure. And I appreciate the Representative from Maui for clarifying that basically it was procurement and ethics, and we deleted the procurement on this because of the information that was given.

"Just for the information regarding the State Ethics Commission, the way this Resolution is right now is basically if you read it and on page 2 because it says be it further resolved, pursuant section 84-31 (a) (7), the Hawaii State Ethics Commission is requested to educate the Legislature on its history regarding the ethical aspects of its review no later than September 1st of 2006. This is the basic essence of this Resolution.

"As far as the question relating to why is it September 1st? Why not the end of year, prior to Session? I spoke with the Executive Director at length. And speaking with the Executive Director trying to get a straight yes or no, it takes a while before you get a final answer, if you do get an answer. So we left the Resolution the way it is as September 1st. So I ask my colleagues to stand in support. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the measure. I think the Representative from Maui makes a good point and my colleague from Kahuku, trying to explain the September 1st date, I don't think makes any sense. It's actually, the way it reads, they want this report no later than September 1st. It doesn't make any sense. And it brings up the intent of looking like this is trying to make this a political problem. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm also voting no on this measure. Mr. Speaker, it looks uncomfortably politically motivated. And I don't think it does credit to this Body to pass it."

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

"Thank you, Mr. Speaker. I'm rising with some reservations on this measure. As we heard, both the Auditor and the State Ethics Commission will be now reviewing the procedures used in funding the trips to Asia. It seems like this is just a duplicative effort. And I would like to see something like a lead investigator chosen, appointed to lead the effort, if we want to investigate this. It just seems like having two bodies running independent investigations, is duplicative to me so, I just have that reservation. Thank you."

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

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

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

"Thank you very much, Mr. Speaker. I wish to speak in favor of the Resolution. I'm quite amazed at some of the speeches done by my friends across the aisle. There's an old saying, it was made by a great man years ago who said that, 'Who is without sin, cast the first stone.' Thank you very much."

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

"Mr. Speaker, I rise in support. Just very briefly to clarify. I think the prior resolution that we took a look at, when we asked the Auditor to take a look at what went on, really had to do with the issues of procurement, that's Chapter 103D.

"This is different. This is having to ask the Ethics Commission to take a look at whether there were violations. That's an entirely separate chapter. That's taking a look at Chapter 84, specifically Section 84-13 regarding fair treatment, which says, 'that no legislator or employee shall use, or attempt to use, their official position to secure or grant unwarranted privileges, exemptions, advantages, contracts or treatment for one self or others.'

"It's very broad. It does state that we basically cannot be interfering to try and give preferential treatment to certain individuals. And that's the underlying question that we have to answer. And while some of that may be addressed through the procurement code, some of that also should be address through the State's ethics code. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, the Representative from Kihei brought up how it's wrong for lawmakers to have fundraisers during the legislative session and that conjures up the impression of 'pay-to-play'. But I do want to point that he himself has a fundraiser tomorrow night at Nick's Fish Market, so I don't know where the hypocrisy is in his discussion this morning."

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

The Chair addressed Representative Halford, stating:

"Representative Halford, for what purpose do you rise? This is your third time. Are you rising on a point of personal privilege? The Chair will allow you to state your point of personal privilege."

Representative Halford rose, stating:

"Okay. It is true that I am having a fundraiser tomorrow and that is a common long standing practice in this Legislature for decades. But what is not common, and as far as I know, never occurred before two years ago was that a legislative Political Action Committee with essentially 80% of the body, holding a fundraiser, a leadership Political Action Committee holding a fundraiser during Session to push legislation. That was the point I was going after, Mr. Speaker."

Representative Evans rose to a point of personal privilege, stating:

"Point of personal privilege. I just want to state that the previous speaker, at least as I'm listening to this conversation, is implying that we, maybe all of us have fundraisers. And I just want to state for the record, I did not and do not plan on having a fundraiser during Session. Thank you."

Representative Ching rose in support of the measure with reservations, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representatives Halford and Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with grave reservations on this measure. This bill requests the State Procurement Office and the Ethics Commission to investigate the circumstances of the 2005 trip organized by the Department of Business, Economic Development, and Tourism.

"DBEDT did not oppose this measure as the Department favors a transparent, open-door policy, and if the public is reassured, then there may be a possible benefit so I will not cast a no vote. However, it must be stated that DBEDT's purpose in undertaking this type of trade mission was to put Hawaii's best foot forward in efforts to strengthen economic ties and to develop new markets and new opportunities for the State and its businesses. In order to best represent our State abroad and to put our best foot forward (accurately portraying the quality of our entrepreneurial talent) public-private partnerships were sought.

"My grave concerns are that the premise of any wrongdoing is unfounded and that this measure may only serve to hurt the business community and prevent them from participating in the future, therefore unfortunately amounting to a partisan attack at the expense of the business community and ultimately this State."

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

"Mr. Speaker, I'll be voting with reservations because of the September date before the election. If the report came in after the next Session, it might be of more use to the new Members who may be elected this coming November for possible use for legislation next Session. But before that, they'll be the old Members of this House. 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. 32, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," was adopted, with Representatives Halford, Meyer, Moses and Thielen voting no, and with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1846-06) recommending that S.C.R. No. 130, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 130, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1847-06) recommending that S.C.R. No. 137, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1848-06) recommending that S.C.R. No. 148, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1849-06) recommending that S.C.R. No. 98, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 98, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"I'd like to ask for a ruling on a potential conflict of interest. On Senate Concurrent Resolution No. 98, the subject matter initially discussed on page 1 is actually a lawsuit that I am representing the community against the City and County of Honolulu," 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.C.R. No. 98, SD 1, HD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Kanoho and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1850-06) recommending that S.C.R. No. 196, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committees be adopted, and that S.C.R. No. 196, SD 1, HD 1, 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 Senate Concurrent Resolution 196.

"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.

"Senate Concurrent Resolution 196 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 meets, 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.

"SCR 196 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 require 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."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 196, SD 1, HD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1851-06) recommending that S.C.R. No. 195, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and 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 WAIHAOLE VALLEY WATER SYSTEM AND FOR THE BOARD OF WATER SUPPLY TO ACCEPT DEDICATION OF THE UPGRADED WATER SYSTEM," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Kanoho and Souki, for the Committee on Water, Land, & Ocean Resources and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1852-06) recommending that S.C.R. No. 23, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 23, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1853-06) recommending that S.C.R. No. 13, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1854-06) recommending that S.C.R. No. 37, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1855-06) recommending that S.C.R. No. 97, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 97, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF STUDENT HOUSING SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1856-06) recommending that S.C.R. No. 128, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1857-06) recommending that S.C.R. No. 211, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 211, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Just in strong support and appreciation to the Committee in passing out this Resolution, this Concurrent Resolution. I think that it's helpful because many of our historic preservation professionals, which by the way take care of many

different sites, through them, like the previous page is in support of Mauna 'Ala, where our former kings and queens of the Kingdom of Hawaii are buried. But also there are the different temples, our Shinto Temples, our Buddhist Temples, that are all very much in need of help. And what is interesting about this is that a number of the people who help these artifacts of our cultures and preserve these educational infrastructures which serve to educate our children, a number of them are supported by those individuals with training and skill and they all happen to be, for some reason, are often a generation above us.

"Maybe back then it was more valued. Maybe understanding where you came from and your history was valued more for some reason in generations past. But what happens in that situation is that our present generation isn't trained. So this portends a very real crisis because if we don't have people who are trained to preserve these sites, they won't be preserved or we'll have to pay the price of importing experts from the mainland which there are not that many there either. So I'm really pleased with the passage of this Concurrent Resolution in protecting the future for our children. 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. 211, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A FOUR-YEAR DEGREE PROGRAM IN HISTORIC PRESERVATION AT THE UNIVERSITY OF HAWAII," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1858-06) recommending that S.C.R. No. 85, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 85, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker. On 1858, I'm rising in opposition. Thank you, Mr. Speaker. Mr. Speaker, the Board of Education and OHA are elected and they do provide the information that's requested in this Resolution. But the Regents are appointed. And they answer to both the Governor and to the Senate, which must confirm them. The Regents in question, mentioned in this Resolution, all recused themselves, they disclosed the possible conflicts and they left the room during deliberations and voting. So there was no conflict of interest.

"But what we're doing here is we're responding to newspaper reports that there were conflicts of interest in the Board. I guess since newspapers are considered gospel, then what about conflicts that the newspaper have discussed going on at the Legislature. There's been several in the past three or four days, and what do we do about them? Well, we don't do anything. But this Resolution to me is very suspect.

"It's another, let's attack those that have been appointed by the Governor. That's exactly what it appears to be. Some can say, well the WASC had some problems with the Regents. They had a report on that and I'll let my colleague discuss that in a moment, but that was all resolved. The testimony we received said it was resolved. And yet here we are with this Resolution. Again, in opposition."

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

"In support. You're all familiar with the proposal by two Regents for the University of Hawaii procurement policy that was quite bizarre. I think you'd support this Resolution. And there's been other

problems with Regents attempting to override the State procurement code."

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

"Thank you, Mr. Speaker. I'm rising in opposition. When this Resolution was heard in Finance, the Vice President for Legal Affairs at the University, Walter Kirimitsu, testified to the fact that there was no need for this Resolution. He did refer to these reports by the Western Association of Schools and Colleges and the negative report came out in March of '04, but it was at a very tumultuous time at the University when the Board of Regents did not have a very good relationship with the President of the college. They came back and did another report that came out in December 21st, when that President was not there anymore. There had been changes in the Regents and they gave a very positive report.

"The Board of Regents have to comply with the bylaws which are set forth in Article X of the Board of Regents bylaws. And these are much more stringent than what is in the State of Hawaii Ethics Code, which they also must comply with. But as far as if there was any thought that they may have a conflict of interest, the Regents may not vote. And as the Representative from Makakilo said, they can't even be in the room when there's any discussion or deliberation. It's in the Article X, it is saying restraint on participation. They may not even be present to hear the discussion on the particular matter that they feel they shouldn't vote on. So I think that they are doing a good job.

"The other part of this Resolution which is going to ask the Auditor to decide whether the Regents should have financial disclosure statements that must be available to the general public. There are others. Members of the Board of Land and Natural Resources do not have to make their financial disclosures public. That could be an impediment for people being willing to serve as Regents. Very well qualified people who may not want the whole world to know everything about their financial affairs. So for those reasons, I'll be voting no."

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

"I just wanted to also note my reservation. It just seems like, I guess what a cynic would say, that we are abusing our power for political purposes and that's why I have reservations. Thank you."

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

"Reservations for the same reasons."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS' CONFLICT OF INTEREST POLICY," was adopted, with Representatives Meyer and Moses voting no, and with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1859-06) recommending that S.C.R. No. 76, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 76, SD 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," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1860-06) recommending that S.C.R. No. 70, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 70, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO DETERMINE A MEANS FOR A CHILD TO BE SCREENED PRIOR TO THE START OF THE CHILD'S EDUCATION, AT THE CHILD'S FIRST ENTRY INTO PRESCHOOL AND ELEMENTARY SCHOOL, TO PROVIDE FOR DIAGNOSIS, REFERRAL, CORRECTION OR TREATMENT, AND TO INTEGRATE THE EFFORTS OF COMMUNITY AND STATE ORGANIZATIONS RELATED TO SCREENING UNDER THIS HAWAII CHILDHOOD SCREENING INITIATIVE," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1861-06) recommending that S.C.R. No. 72, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 72, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for another ruling on a potential conflict. I'm representing community groups suing the City and County of Honolulu for the sewage spills that occurred," 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.C.R. No. 72, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER CONDUCTING BACTERIA-LEVEL TESTING OF THE SAND AT ALL BEACHES WHERE CONTAMINATED WATER WARNING SIGNS HAVE BEEN POSTED DUE TO CONTAMINATION CAUSED BY A SEWAGE SPILL," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1862-06) recommending that S.C.R. No. 118, SD 1, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 118, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE 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,"

was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1863-06), recommending that S.C.R. No. 41, be referred to the Committee on Judiciary.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was referred to the Committee on Judiciary with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1864-06), recommending that S.C.R. No. 44, be referred to the Committee on Finance.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was referred to the Committee on Finance with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1865-06), recommending that S.C.R. No. 217, be referred to the Committee on Finance.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and 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," was referred to the Committee on Finance with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1866-06), recommending that S.C.R. No. 71, SD 1, be referred to the Committee on Finance.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 71, SD 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," was referred to the Committee on Finance with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1867-06), recommending that S.C.R. No. 145, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and 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," was referred to the Committee on Consumer Protection & Commerce with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1868-06), recommending that S.C.R. No. 216, as amended in HD 1, be referred to the Committee on Judiciary.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 216, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I will be voting with reservations on this measure. And it sort of is a little deviation from all of these Resolutions that I have been introducing and being criticized for introducing. But the reason I'm voting with reservations on this is because I really questioned whether or not we need a taskforce, whether we need statutory provisions, whether we need anything to do that magical word that seems to be the word of the century in this Body, which is 'transparency'.

"Since being here, moving from being a citizen participant into being a real life participant, I found that transparency is somewhat of a figment of all of our imaginations. And once I realized that my imagination wasn't fooling me, that is the reason why I have been introducing all these Resolutions.

"We have before us, Members, the rules of the House of Representatives, which also relies on the *Mason's* Rules of Legislative Procedures, and guess what? These rules are here for one reason. For our behavior, for how we proceed, but basically it's there to give transparency to the people that we represent. And I firmly believe that transparency is so vividly missing in this Session that it just really angers me to the point that I just don't realize, I just can't understand, why we would have to statutorily tell ourselves that we need to be transparent to the people that we are representing.

"If we all look at Section 13 in *Mason's* Rules, it says that within 24 hours, we can change rules. We can do everything that is in this Resolution that's going to require a taskforce to sit around between now and let's see ... To report back maybe in a year or two on how to have transparency. Transparency is simple. Fix the rules. Follow the rules. Set things 24 hours before they're scheduled to be set. We have wonderful Internet capacities. We can PDF proposals, so that we don't have to run to offices to get them. We can have instantaneous transparency. So let us put this aside and let us look at some of the Resolutions that are pending before this Body that have been referred away, but will soon be back on the Floor. 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. 216, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A LEGISLATIVE TASK FORCE TO MAKE RECOMMENDATIONS FOR STATUTORY ENACTMENT TO ENHANCE TRANSPARENCY IN LEGISLATIVE PROCEEDINGS," was referred to the Committee on Judiciary with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

CONFERENCE COMMITTEE REPORT

At this time, the Chair announced:

"For the Members of this House, please note the 48-hour notice for Conference Committee Report No. 5-06 as listed on page 15. So all of you have the responsibility now during the next 48 hours to know what the summary of this particular measure is all about as a Conference draft. That is what transparency is."

Representatives Chang and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2213, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 5-06) recommending that S.B. No. 2213, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-06 and S.B. No. 2213, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 285) was placed on the members' desk and referred:

H.R. No. 285, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT THE ORDER OF THE DAY BE POSTED IN BOTH PAPER AND ELECTRONIC FORM AT LEAST TWENTY-FOUR HOURS IN ADVANCE," was offered by Representative Harbin.

ANNOUNCEMENT

Representative Finnegan: "Thank you, Mr. Speaker. As you know in some of the actions that I did in the past, I am a strong supporter of the 24-hour notice. And therefore, I'd just like to announce that tomorrow, during tomorrow's Floor session, I'll be making a motion to recall Senate Bill 3279, SD 2, HD 1, from the Judiciary Committee.

"After recalling the bill from the Judiciary Committee, should it be successful, I've prepared and will be making a motion to amend the bill, to address the concerns of the Judiciary Chair, Vice Chair, and the Representative from Puna, regarding this medical malpractice reform bill. The report title is: Medical malpractice insurance and premiums; and the description is: Lowers medical malpractice insurance premiums by adopting legislation that directly affects elements impacting medical malpractice insurance rates. And copies of the amendment are available in my office, Room 328. Thank you."

ADJOURNMENT

At 1:07 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, April 25, 2006. (Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 24, 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. 1935, Added Representative Marumoto as a member.
HD 1, SD 1

House Communication dated April 24, 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:

S.B. 2545, Added Representative Cabanilla as a member.
SD 2, HD 2

House Communication dated April 24, 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:

S.B. 2926, Added Representative Meyer as a member.
SD 1, HD 2

House Communication dated April 24, 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 following bill has this day passed Final Reading in the House of Representatives:

S.B. No. 2609, SD 1, HD 1, CD 1

FIFTY-FIFTH DAY

Tuesday, April 25, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 269 through 275) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 269, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2295, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS." (ACT 013)

Gov. Msg. No. 270, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2297, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS." (ACT 014)

Gov. Msg. No. 271, informing the House that on April 24, 2006, the following bill was signed into law:

H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU." (ACT 015)

Gov. Msg. No. 272, informing the House that on April 24, 2006, the following bill was signed into law:

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." (ACT 016)

Gov. Msg. No. 273, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION." (ACT 017)

Gov. Msg. No. 274, informing the House that on April 24, 2006, the following bill was signed into law:

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." (ACT 018)

Gov. Msg. No. 275, informing the House that on April 24, 2006, the following bill was signed into law:

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." (ACT 019)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 809 through 843) were received and announced by the Clerk:

Sen. Com. No. 809, dated April 24, 2006, informing the House that on April 17, 2006, the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House [sic] to the following House Bill:

2626, SD1 Taniguchi, Chair; Tsutsui, Trimble

Sen. Com. No. 810, informing the House that S.B. No. 2609, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Final Reading in the Senate on April 24, 2006.

Sen. Com. No. 811, dated April 24, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolution:

67, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANSION PROGRAM."

Sen. Com. No. 812, transmitting H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPROPRIATE SAFEGUARDS BE INSTITUTED IN HEALTH CARE FACILITIES TO MINIMIZE THE OCCURRENCE OF MUSCULOSKELETAL INJURIES SUFFERED BY NURSES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 813, transmitting H.C.R. No. 53, entitled: "HOUSE 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 24, 2006.

Sen. Com. No. 814, transmitting H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT TO TREAT HAWAII FEDERAL EMPLOYEES WITH REGARD TO PAY AND RETIREMENT BENEFITS THE SAME AS FEDERAL EMPLOYEES WHO RESIDE IN THE FORTY-EIGHT CONTIGUOUS UNITED STATES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 815, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 816, transmitting H.C.R. No. 73, H.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 817, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 818, transmitting H.C.R. No. 92, H.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 819, transmitting H.C.R. No. 130, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO CONDUCT A SECURITY AUDIT OF THE HAWAII YOUTH CORRECTIONAL FACILITY," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 820, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 821, transmitting H.C.R. No. 156, H.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 822, transmitting H.C.R. No. 166, H.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 823, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 824, transmitting H.C.R. No. 193, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY

COMMISSION ON BIOPROSPECTING," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 825, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 826, transmitting H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE COUNTIES TO PRIORITIZE EXPENDITURE OF FEDERAL HOMELAND SECURITY FUNDS ON INTEROPERABLE COMMUNICATIONS SYSTEMS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 827, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 828, transmitting H.C.R. No. 235, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF PROVIDING VIDEO-CONFERENCING CAPABILITY IN THE STATE CAPITOL TO ENSURE CLOSE COMMUNICATION WITH NEIGHBOR ISLAND RESIDENTS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 829, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 830, transmitting H.C.R. No. 266, H.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 831, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 832, transmitting H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 833, transmitting 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 834, transmitting H.C.R. No. 314, H.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 835, transmitting H.C.R. No. 36, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK IN COOPERATION WITH THE STATE TOURISM LIAISON AND THE HAWAII HOTEL & LODGING ASSOCIATION IN RAISING AWARENESS, EDUCATION, AND PREVENTION OF THE INCREASING INCIDENCE OF BEDBUGS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 836, transmitting H.C.R. No. 75, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 837, transmitting H.C.R. No. 79, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 838, transmitting H.C.R. No. 105, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND THE HAWAII HEALTH SYSTEMS CORPORATION TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A NEW PARKING STRUCTURE FOR MAUI MEMORIAL MEDICAL CENTER TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 839, transmitting H.C.R. No. 113, H.D. 1, S.D. 1, entitled: "HOUSE 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 24, 2006.

Sen. Com. No. 840, transmitting H.C.R. No. 145, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO CREATE A PATHWAY FOR UNDOCUMENTED IMMIGRANTS TO LEGALIZE THEIR STATUS AND REQUESTING THE STATE AND THE FEDERAL GOVERNMENT TO ADEQUATELY REIMBURSE HEALTH CARE PROVIDERS SO THAT THEY CAN CONTINUE TO PROVIDE EMERGENCY MEDICAL TREATMENT TO THIS POPULATION," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 841, transmitting H.C.R. No. 192, H.D. 1, S.D. 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," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 842, transmitting H.C.R. No. 202, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE LAND USE COMMISSION, THE OFFICE OF PLANNING, THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL, THE UNITED STATES ARMED FORCES IN HAWAII, THE COUNTIES, AND THE AFFORDABLE HOUSING AND HOMELESS ALLIANCE TO STUDY THE USE OF MOBILE HOME PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S AFFORDABLE HOUSING CRISIS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 843, dated April 24, 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:

1878, SD1 Menor, Chair; Espero, Hogue

2313, SD1 Menor, Chair; Espero, Hogue

INTRODUCTIONS

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

Representative Sonson introduced his legislative 'shadow', Ms. Brittany Olson, a junior at Hanalani School.

Representative Sonson also introduced his legislative intern, Ms. Melissa Takaaaze from Alaska.

Representative Yamane introduced his legislative 'shadow', Ms. Nacira Woodard, a senior at Hanalani School. She was accompanied by Representative's legislative aide, Mr. Brandon Lee.

Representative Finnegan introduced her brother, Mr. Mark Gapol; and sister, Ms. Gaylin Paaluhi visiting from California.

Representative Caldwell introduced 3rd grade students from Noelani Elementary School, accompanied by teachers, Ms. Lynne Johnson and Ms. Kristin Nakamura; Skills Trainers, Mr. David McGue and Mr. Austin Oney; and Chaperones, Ms. Kristen Wheeler, Ms. Claire Higa, and Ms. Kathy Au.

Representative Ito also introduced Noelani Elementary School 3rd grade student, Logan Araki, grandson of Mr. George Okuda, legislative aide to Representative Ito; and Kaneohe resident, teacher, Ms. Lynne Johnson.

Representative Harbin introduced her friend, Mr. Bob Toyofuku.

At 12:21 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:52 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R.
No.

Referred to:

286 Jointly to the Committee on Legislative Management and the Committee on Judiciary

STANDING COMMITTEE REPORTS

Representatives Sonson and Kahikina, for the Committee on Human Services and the Committee on Housing presented a report (Stand. Com. Rep. No. 1869-06) recommending that S.C.R. No. 107, 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. 107, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTY COUNCILS TO ASSIST LOW-INCOME HOMEOWNERS," was adopted, with Representatives Abinsay, Saiki and Schatz being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1870-06) recommending that S.C.R. No. 58, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 58, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in very strong support of this resolution. Some of us may or may not know, this is an affordable housing project right in the heart of Honolulu, which happens to be my district. This is a really hard position for me to take and it's taken a lot of soul searching for me because as we all know, I come as a small business advocate to this, as my prior life and I truly believe that the market should be allowed to generate what it is that should happen with property.

"But as I have become more and more realistic about what is happening to our people, and the lives of our people, and the lack of housing, and the fact that I live right smack down in the middle of town at 250 North King Street, across from Aala Park, in an affordable housing project, it is really a wonderful experience to see the blending of many of our young local people. Young people coming into the State, retired people, and people such as I, that have one foot in retirement and one foot out.

"And to allow something as valuable as Kukui Gardens to leave the possession of our State and our people, I think is very very scary. There have been some beneficiaries that have reaped the harvest of this property for over 40 years, and I think that they should look at this Resolution as a message from this policymaking body that the needs of our people sometimes has got to be more powerful than the needs of landowners.

"So I hope that they will continue to work with us, with the State and with the community and with the nonprofit community to do everything possible to keep this as affordable housing, which it should be. Thank you."

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

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

"Mr. Speaker, in favor. I just want to take this opportunity to express how well the Housing Committee has worked and the complete sincerity of the Chairman of the House Committee in general and on this issue in particular. 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. 58, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was adopted, with Representatives Abinsay, Saiki and Schatz being excused.

At this time, the Chair announced:

"Members, please note on page 2 and 3, the 48-hour notice for the Conference Committee reports."

CONFERENCE COMMITTEE REPORT

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2924, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 6-06) recommending that S.B. No. 2924, 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. 6-06 and S.B. No. 2924, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2930, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 7-06) recommending that S.B. No. 2930, 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. 7-06 and S.B. No. 2930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred for a period of 48 hours.

Representatives Ito and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2243, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 8-06) recommending that S.B. No. 2243, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-06 and S.B. No. 2243, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," was deferred for a period of 48 hours.

Representatives Luke and Caldwell, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 695, HD 1, presented a report (Conf. Com. Rep. No. 9-06) recommending that S.B. No. 695, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-06 and S.B. No. 695, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2265, SD 1, HD 1, presented a report (Conf. Com.

Rep. No. 10-06) recommending that S.B. No. 2265, 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. 10-06 and S.B. No. 2265, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3051, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 11-06) recommending that S.B. No. 3051, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-06 and S.B. No. 3051, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," was deferred for a period of 48 hours.

Representatives Arakaki and Sonson, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2098, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 52-06) recommending that H.B. No. 2098, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-06 and H.B. No. 2098, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2282, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 53-06) recommending that H.B. No. 2282, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-06 and H.B. No. 2282, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2897, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 54-06) recommending that H.B. No. 2897, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-06 and H.B. No. 2897, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," was deferred for a period of 48 hours.

RECALL FROM COMMITTEE

At this time, Representative Finnegan moved that S.B. No. 3279, SD 2, HD 1, be recalled from the Committee on Judiciary, seconded by Representative Meyer.

The Chair then stated:

"For all of you, this is a procedural motion. Debate is limited to the propriety of the action in recalling the bill from Committee. So the debate on the merits or the substance of the bill is not in order at this point and time. Any discussion on the recall motion?"

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

"Thank you Mr. Speaker. Mr. Speaker, I will confine my remarks to the procedure. I would like to describe the bill. The report title is, Medical Malpractice Insurance Premiums, and the description is, 'lowers medical malpractice insurance premiums by adopting legislation that directly affects elements impacting medical malpractice insurance rates.'

"Mr. Speaker, this particular bill was passed out of our Health Committee and our Consumer Protection Committee. The Consumer Protection Committee did not have any amendments and on the Floor. We did not have anyone against this particular measure, and the reason why we are, or I am, passing or asking for the recall is just to have the ability to go to the next stage, which is to give us an opportunity to discuss this very controversial matter, but also to give us the opportunity to discuss some different options.

"Mr. Speaker, I would ask for the support of this Body in order to keep just a glimmer of hope on this particular issue alive. At the appropriate time Mr. Speaker, I would like to ask for a roll call vote."

Representative Luke rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker. I rise to speak against the recall motion. The reason for a recall is to allow for debate on an issue when a subject matter committee has not dealt with the issue. In this situation, the subject of the bill itself was fully discussed on the Floor when the Minority put the contents of S.B. No. 3279 into another bill as a Floor Amendment. So I believe that we did have a Floor Amendment and the reason for the recall is no longer there. Thank you."

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

"Mr. Speaker, I'm rising in support of the recall motion. I realize that this is not something we do every day, but every now and then a subject or a problem is so pressing that it requires some kind of extra special effort.

"We did, as the Chair of Judiciary said, we did speak on this measure in another amendment, but the Legislature is almost over and the problem that this bill tries to seek to relieve has not gotten any better. It's something that we have been aware of, a statewide problem, for many years and it is only because it is such a serious problem that we feel that this kind of unusual motion is appropriate. Thank you."

Representative Sonson rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker. I'm speaking against the motion. Mr. Speaker, I stood up yesterday because there was another motion, which I believe was previously discussed thoroughly. I want to be consistent to say that, if something is done over and over again, expecting the same result, it's a waste of time for this Body to take it up. This is sometimes called in the legal arena, a frivolous motion, and there are sanctions for those. If we only had sanctions for frivolous motions in this Body and maybe there is, we should impose them so that we don't have this discussion over and over about these matters we have already taken up.

"Now the Minority Leader has said, we want to bring this motion up today because we want to go to the next step, which is to discuss a controversial issue. Again, as pointed out by a prior speaker, we have done that. We discussed this issue twice at least in this Body this Session, and the result is the same. Why again, other than to have political posturing be right here and focus the attention of the public. The public is not going to want us to discuss this over and over to see whether we come up with different results.

"I think if we truly need to discuss this matter, we need to be discussing it with a goal of addressing the real issue that is underlying the proponents of this measure. Again, I'm not opposed to having discussions to find solutions, but I think that we need to discuss that at another point in time. The motion that has been proposed here is simply a waste of time at this point, Mr. Speaker."

Representative Moses rose, stating:

"Mr. Speaker. Thank you, Mr. Speaker. I almost rose with an objection because I don't believe this political posturing. We're trying to discuss a very serious matter. I know we can't discuss the matter that's underlying the motion until we move the motion forward, so I'm trying to stay away from discussing the underlying matter, but we need to move this motion forward.

"Whether or not we discussed it on the Floor before, it's a serious matter. It's affecting our State. It's affecting the people of this State. And unless we can just break through this barrier and get the motion on the Floor so we can discuss the merits of the underlining bill. You know, we're keeping the people in the dark. It's not that we're trying to politically posture this thing. It's that we're trying to help the residents of the State, and I'm sure that's what you're all about too. So we're trying to work together and get something done for the people. Thank you."

Representative B. Oshiro rose to speak in opposition to the motion to recall, stating:

"Mr. Speaker, I rise in opposition to the motion. Very briefly, procedurally one of the problems with this underlining bill is that it was actually a 'gut and replace'. S.B. No. 3279 as it came over from the Senate had to do with the admissibility of expressions of sympathy or benevolence. So that is the subject which the Senate dealt with when they passed over the Senate Bill in the form of an SD 2. And it was actually in our own House that there was a 'gut and replace' procedure, and usually while we tend not to really favor 'gut and replace' because that does not fully allow for the public process. The bill continued to move and ultimately did not make it all the way out, but I think the criticisms that we don't want to be in the dark and we want a public discussion, really are not warranted.

"If people really want to take a comprehensive look at this issue, what they need to do is read the LRB report that came out in this year entitled, *On Call Crisis in Trauma Care: Government Responses*. That's a very comprehensive report that deals with this problem and will tell us there's a multitude of approaches that we need to take. This singular approach in the underlying bill is not sufficient, and that's why if we really are truly going to work on this problem. We need to take a look ..."

Representative Finnegan rose, stating:

"Point of personal privilege. Thank you. I would just like to ask if this speaker is speaking on the underlining bill?"

The Chair responded, stating:

"I believe he's speaking to a ..."

Representative Finnegan: "Because he did bring up the report on the On Call Physicians."

Speaker Say: "Yes, but the Chair will allow him to stray a little."

Representative Finnegan: "Mr. Speaker, will you allow us the same opportunity?"

Speaker Say: "The Chair will, but I wanted to close the debate on this motion of a recall."

Representative Finnegan: "I would like to, Mr. Speaker ..."

Speaker Say: "There is no reference of the substance of the matter that he is presenting to this Body. It is just a study that was completed."

Representative Finnegan: "Mr. Speaker, we been very careful not to be to stay within the confines of the procedure."

Representative B. Oshiro rose to a point of order, stating:

"Mr. Speaker, a point of order. A point of personal privilege under Section 223 of *Mason's* has to do with somebody's ability to actually be a Representative. I never called into question the current speaker's ability to be a Representative. So she's out of order, it's not a point of privilege."

The Chair responded, stating:

"The Chair will allow her at this point, to voice her point of personal privilege if she is aggrieved by the decision of the Chair in regards to what the debate is all about. The debate was supposed to address the motion of a recall. The Chair has strayed with the Majority Floor Leader to allow him to make reference to the study, but that was it. Like I said to you earlier, this is a motion for the recall of a measure out of a Committee, which is a procedural motion. Representative Blake Oshiro."

Representative B. Oshiro continued, stating:

"Again Mr. Speaker, let me just close with this. People have criticized that we're in the dark and that we're not allowing this issue to be brought to the forefront. I suggest people read the report. That fully discusses what we need to do if we're going to move forward. That's all I referenced the report for. Not to talk about the substance and what we're going to do about it, but to really suggest that, because I really don't think people have read the report. That's my 'guestionment', but I would suggest that they do. Thank you."

Representative Harbin rose to speak in support of the motion to recall, stating:

"Mr. Speaker, thank you very much. I'm going to be speaking for the recall as a procedural issue. I'm very sorry that the prior speaker strayed because I'm quite prepared to discuss the LRB report at length now, if that is what you would want me to do."

The Chair responded, stating:

"No, not at this point and time."

Representative Harbin: "Then with that being said, let's move on to procedural issues."

Speaker Say: "Representative Harbin, you're out of order if you're going to be addressing the motion of the recall."

Representative Harbin: "I am going to address the motion. One of the prior speakers, the Representative from Waipahu made mention of 'over, and over, and over again'. I think that's a song that I grew up with, but part of it was in reference to my everyday motions for certain Resolutions.

"I'd like to really say that one of the things that I learned in my short stint here is that one must be patient with 'over, and over, and over again'. In fact, I think I've seen and heard that bills have been introduced for four to five, even six years before they finally become policy. And I think what makes us different from the Judiciary system or other systems is that we need to consistently have public debate which has been sorely lacking in this House, which is why I am supporting this recall. Because this issue according to the LRB report, which like I said, I'm ready to discuss at length, makes it very obvious that this subject needs to be discussed and the people want it discussed. Thank you."

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 S.B. No. 3279, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," be recalled from the Committee on Judiciary, 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, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane and Yamashita.

Ayes, 15: Representatives Arakaki, Cabanilla, Ching, Finnegan, Green, Hale, Halford, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.

Excused, 3: Representatives Abinsay, Saiki and Schatz.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 286) was placed on the members' desk and referred:

H.R. No. 286, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE EACH MEMBER TO DISCLOSE THE NAME AND PLACE OF EMPLOYMENT OF ANY STAFF MEMBER WHOSE SALARY IS PAID BY A THIRD PARTY," was offered by Representative Harbin.

ANNOUNCEMENT

Representative Shimabukuro: "Mr. Speaker, I would like to thank so much, everyone who purchased pancakes, and thank you very much for your patience. We had some technical difficulties with our power supply this morning. We had over 200 orders.

"I especially want to thank Representative Corinne Ching, who very generously donated pancake mix from Liliha Bakery. Also Nani Ferris and Sarah Akiona from Senator Chun-Oakland's office. My constituents, Kamu Miles and Art Frank came all the way from Waianae to help and my staff who spent six hours working on this, this morning. And if I could, I want to submit my staff's names for the Journal. Thank you," and the Chair "so ordered."

Representative Shimabukuro submitted the following names in appreciation:

Representative Corinne Ching, Nani Ferris, Sarah Akiona, Colleen Young, Erica Miles, Kamu Miles, Naomi Uehara, Kamu Enos, Wally Inglis, Mike Dahilig, Ed Suka, and Art Frank.

ADJOURNMENT

At 1:11 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, April 26, 2006. (Representatives Abinsay, Saiki and Schatz were excused.)

FIFTY-SIXTH DAY

Wednesday, April 26, 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 retired Pastor Norman Okasako of Mililani Missionary Church, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Cabanilla, Stonebraker and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 276 through 284) were received and announced by the Clerk:

Gov. Msg. No. 276, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES." (ACT 020)

Gov. Msg. No. 277, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS." (ACT 021)

Gov. Msg. No. 278, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE." (ACT 022)

Gov. Msg. No. 279, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 023)

Gov. Msg. No. 280, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 024)

Gov. Msg. No. 281, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE." (ACT 025)

Gov. Msg. No. 282, informing the House that on April 25, 2006, the following bill was signed into law:

H.B. No. 2275, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE." (ACT 026)

Gov. Msg. No. 283, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2263, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134." (ACT 027)

Gov. Msg. No. 284, informing the House that on April 25, 2006, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution:

S.B. No. 2581, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BACKLOG IN UNSERVED ARREST WARRANTS." (ACT 028)

"EXECUTIVE CHAMBERS
HONOLULU

April 26, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2581 SD1

On April 25, 2006, Senate Bill No. 2581, entitled "Relating to the Backlog in Unserved Arrest Warrants" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill seeks to reduce the backlog of unserved arrest warrants by (1) authorizing county police officers and public safety officers with police powers to serve arrest warrants, and (2) requiring the Attorney General to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, through which retired police officers or public safety officers may be authorized to serve arrest warrants.

It should be pointed out that county police officers and public safety officers already have the authority to serve arrest warrants. Hiring retired law enforcement personnel is also currently possible and these rehires could serve arrest warrants if the department which hired them has such authority.

While this bill assigns to the Attorney General responsibility for adopting administrative rules to provide for authorizing retired county police officers and retired State public safety officers to serve certain arrest warrants, it fails to specify which State entity is responsible for administering such a program.

Further, this bill does not appropriate funds to compensate retired officers and to supervise the service of the arrest warrants.

This bill, alone, will not accomplish the goal of reducing the backlog in unserved arrest warrants. It will be incumbent upon the next session of the Legislature to remedy the aforementioned shortcomings of this measure with legislation placing the program under the jurisdiction of an agency, such as the Judiciary, and providing funding commensurate to ensure its purpose is served.

Therefore, I allowed Senate Bill No. 2581 SD1 to become law as Act 28 effective April 25, 2006 without my signature.

Sincerely,
/s/Linda Lingle
LINDA LINGLE"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 844 through 848) were received and announced by the Clerk:

Sen. Com. No. 844, dated April 25, 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:

3036, HD 1, SD 1 [*sic*] Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Slom

Sen. Com. No. 845, dated April 25, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolutions:

12, SD 1, HD 1 "REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE."

32, SD 1, HD 1 "REQUESTING THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."

70, HD 1 "REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO DETERMINE A MEANS FOR A CHILD TO BE SCREENED PRIOR TO THE START OF THE CHILD'S EDUCATION, AT THE CHILD'S FIRST ENTRY INTO PRESCHOOL AND ELEMENTARY SCHOOL, TO PROVIDE FOR DIAGNOSIS, REFERRAL, CORRECTION OR TREATMENT, AND TO INTEGRATE THE EFFORTS OF COMMUNITY AND STATE ORGANIZATIONS RELATED TO SCREENING UNDER THIS HAWAII CHILDHOOD SCREENING INITIATIVE."

72, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER CONDUCTING BACTERIA-LEVEL TESTING OF THE SAND AT ALL BEACHES WHERE CONTAMINATED WATER WARNING SIGNS HAVE BEEN POSTED DUE TO CONTAMINATION CAUSED BY A SEWAGE SPILL."

77, SD 2, HD 1 "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."

81, SD 1, HD 1 "URGING THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE IMPACT OF POSITIVE ENROLLMENT IN THE RECENTLY ISSUED QUEST REQUEST FOR PROPOSAL."

86, SD 1, HD 1 "URGING THE HAWAII 2050 TASK FORCE TO USE A SCIENCE-BASED FRAMEWORK AS THE GUIDE TO MAPPING AND MEASURING THE SUCCESSES IN REALIZING THE GOALS OF THE SUSTAINABILITY PLAN."

98, SD 1, HD 1 "URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS."

117, SD 1, HD 1 "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."

118, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE 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."

159, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM."

196, SD 1, HD 1 "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."

Sen. Com. No. 846, transmitting H.C.R. No. 212, H.D. 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," which was adopted by the Senate on April 25, 2006.

Sen. Com. No. 847, transmitting H.C.R. No. 261, H.D. 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," which was adopted by the Senate on April 25, 2006.

Sen. Com. No. 848, dated April 25, 2006, informing the House that the Senate has made the following change to Senate Conferee assignments for the following bill:

H.B. No. 2176, Added Senator Chun Oakland as a conferee.
HD 2, SD 2

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R.
No.

Referred to:

287 Jointly to the Committee on Legislative Management and the Committee on Judiciary

Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I believe I am rising on a point of personal privilege. Mr. Speaker, for the last two days I have been accused, I think, of interfering with the process of this Chamber with repetitious Resolutions. I have a little bit of a problem with that and I thought perhaps maybe what I would do is take this personal privilege time to explain that I feel very strongly about rules of order and rules of how a body operates.

"With that being said, yesterday I deferred to invoking a Rule 57 motion in deference to the fact that we were going to be doing a recall which was a first time for me. With that being said, what I would like to do at this particular juncture, since we don't have an Order of the Day that has an addendum item for special orders, I would like to move that House Resolution 286, Amending the Rules of the House of Representatives to Require Each Member to Disclose the Name and Place of Employment of a Staff Member Whose Salary is Paid by a Third Party, be placed on the agenda for a 24-hour notice for debate for Friday April 26."

Representative Thielen rose, stating:

"I second the motion, Mr. Speaker."

The Chair responded, stating"

"Representative Thielen, there is no motion before us at this point. She's on a point of personal privilege, inquiring about the discussion we had during the past few days."

Representative Harbin: "Thank you, Mr. Speaker. I stand corrected. Now Mr. Speaker, if I may, I would like to move that House Resolution 286, Amending the Rules of the House of Representatives to Require Each Member to Disclose the Name and Place of Employment of a Staff Member Whose Salary is Paid by a Third Party, pursuant to Rule 57, be placed on the agenda for 24-hour notice of debate for Friday April 26, 2006."

Representative Thielen: "I second the motion, Mr. Speaker."

Speaker Say: "May we have a short recess? Recess subject to the call of the Chair."

Representative Harbin: "Mr. Speaker. I'm not yielding the floor. My motion and a second is on the floor and I'm not yielding for a recess."

Speaker Say: "And the Chair is calling a recess at this point and time. Recess subject to the call of the Chair."

Representative Harbin: "I have the floor."

At 12:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

At this time, the Chair stated:

"At this point, the Chair has been very generous in allowing Members of this House to speak on a point of personal privilege. I think the Members of this House realize that as the Chair of this House, the Chair has the responsibility of referring bills and resolutions.

"Presently, there is nothing before this Body in regards to this House Resolution that the Representative is talking about. For all of you, you know that it has been referred to the Committees on Legislative Management/Judiciary. It is on your desk. And on page 33 of our House Rules it states that the Clerk shall send all resolutions except congratulatory resolutions to be printed. When they have been printed and circulated among the Members of this House, they shall placed on the calendar for adoption, unless ordered otherwise.

"The Chair has decided that because it is a very substantive Resolution that impacts the Members of the House, it has been referred to the Committee for a hearing, if the two Chairs would like to schedule a hearing. That is the process that I'm asking all of you to be patient about.

"So right now Representative, there is nothing before this Body except for your point of personal privilege that you have been aggrieved by the Chair in the referral of these Resolutions. May we proceed on at this point? Representative Harbin."

Representative Harbin responded, stating:

"Thank you, Mr. Speaker. Before I waive my right to appeal that, but I would like to now file another Rule 57 motion for House Resolution 287, which I think is rather appropriate at this time. This amends the Rules of the House of Representatives to prohibit smoking in any area under its jurisdiction. Again, rules are very important for how we function, and I'd like to bring everybody's attention, for those of us that voted on this particular bill ..."

Representative M. Oshiro rose to a point of order, stating:

"Mr. Speaker, point of order. I believe this particular Resolution is no longer before this Body and has been referred to the Committees on Legislative Management and Judiciary as of April 26 on your referral sheet. So it's with the two joint Committees and is not presently before the Body. It is out of order."

The Chair responded, stating:

"Representative Harbin, you are out of order at this point because it has been referred to the Committees as has just been stated. If you want to appeal the Chair's decision on the referral, please ask for the appeal and I'll have a vote of this House."

Representative Harbin: "Thank you, Mr. Speaker. May I appeal your order please?"

Speaker Say: "Members of this House, there has been an appeal of the ruling of the Chair in regards to the referral."

Representative Takai then rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the Representative did not make a motion. She's asking for permission. She has to make an affirmative motion to appeal your decision."

Speaker Say: "Representative Harbin, once more. Please make the proper motion."

Representative Harbin: "Mr. Speaker, I move for a motion to appeal your order. No. May I have a recess please?"

At 12:25 o'clock p.m., Representative Harbin 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 Harbin rose, stating:

"Thank you, Mr. Speaker. I would like to at this time withdraw my motion to appeal, in that I have been advised by my colleagues that there is a ruling in DAGS that the Capitol is a smoke-free building, in spite of the fact that our rules are different. So I hereby withdraw my motion, and hope that we can continue on with our business. Thank you."

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Conf. Com. Rep. No. 5-06 and S.B. No.2213, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that S.B. No. 2213, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support of Conference Committee Report No. 5-06, Relating to Tort Actions. Limiting the liability for public entities or public employees associated with a motorsports facilities appears to be a good public policy. Given the popularity of these activities, this policy of limiting liability would go a long way in helping to promote this sport, which is a very popular family activity. While we are moving to make some reforms in tort law in this limited area, it is a shame that don't do the same for OBGYNs, specialists, and other surgeons.

"Even with this bill in place, minors will still suffer injuries. Motorsports racing is a dangerous activity, so while we protect counties, we won't address the people that will heal potential life-threatening injuries suffered by minors as a result of activities at a motorsports facilities. We won't even take care of the specialist that deliver the children that grow up to indulge in this activity.

"The question is: Will we even have these trained folks left to take care of these injuries?"

Representative M. Oshiro rose to a point of order:

"Point of order, Mr. Speaker. I think the current speaker is really straying off the path of this particular measure."

The Chair responded, stating:

"Representative Meyer, could you confine your remarks to tort liability in regards to the motorsports facility?"

Representative Meyer continued, stating:

"Mr. Speaker, I will just ask to have the balance of my remarks inserted in the Journal. Thank you," and the Chair "so ordered."

Representative Meyer's additional remarks are as follows:

"Will we even have these folks left to take care of these injuries or to deliver these children in a few years?"

"Mr. Speaker, addressing the narrow liability issue here is simple. But what good does it do if the folks that heal the injuries aren't there? Are we going to collectively pat ourselves on the back when one of these injuries occurs, and the county and public employees can escape liability in limited cases? We can congratulate ourselves that a good balance of rights and responsibilities for safety was struck, as the Committee Report states. And I support that balance. But what have we done to address the real issue, some child, maybe not ours, but someone's child, gets hurt badly - and cannot get the care they need at the hospital emergency room because of a lack of trauma doctors.

"Because of the medical malpractice system, doctors try to avoid liability to practicing defensive medicine which drives up the cost of healthcare. Doctors are sued anyway, often without cause, driving up the cost of medical malpractice insurance, and further driving up the costs of healthcare. What does that mean for you and me? Higher insurance rates and higher doctor bills, but worst of all, less and less doctors willing to practice medicine. That hurts everyone, including the person who gets injured at a motor sports facility. 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. 2213, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Abinsay and Stonebraker being excused.

At 12:30 o'clock p.m., the Chair noted that S.B. No. 2213, SD 2, HD 2, CD 1, passed Final Reading.

STANDING COMMITTEE REPORT

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1871-06) recommending that S.C.R. No. 233, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 233, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I have reservations on the measure. I don't have any reservations on the underlining intent. My reservations are just in some of the, 'Now Therefore', if you will. Some of the intended requested actions.

"The measure first is requesting the military to map and monitor all munitions dumpsites off of Hawaiian shores. Great, that's very good. I appreciate the effort. But it just appears to me that maybe the House is way ahead of the Senate on this issue because we heard from Mr. Addison Davis, the Deputy Assistant Secretary of the Army for Environment Safety, and Occupational Health.

"He appeared before the Public Safety Committee with others and then he briefed me in my office on March the 13th. That appearance in Public Safety was early March. On March 13th we discussed more details in my office because of course, I do have a district that parallels that area off the coast.

"I attended a public meeting on March the 15th at Fort Shafter where he appeared again with many other military brass, if you will,

from around the area. And basically the Army is already doing just about everything, I think, that's in this Resolution. I'll go through that in a minute. They provided detailed maps. You can't see this well because it's black and white, but they're in color. It shows the dumpsites. It shows where they are. They're in tremendously deep water off the coast. Some are over 5 miles. They can't exactly say from the old records, which are 60 years old. And others they know of are more than 10 miles off the shore. They are monitoring them.

"They also provided handouts to anybody interested to attend the meetings. 'Explosives Safety Guide for Hawaii.' 'Ammunitions at Sea, A Guide for Commercial Maritime Industries.' So all of the things in this measure are basically covered already.

"I want to go through just a few details. The first 'Be it Resolved' says they want appropriate resources provided by Congress for cleanups. Well, those listening to the Army Assistant Secretary on this matter say it's better not to touch them. Leave them where they are. They're safe. They've been investigated off the coast of Europe and are safer left alone, rather than drag them up and bring up to shore and everything else.

"The next 'Be it Further Resolved' is existing ordinance transportation rules should be examined. Well, they already do that. That's on-shore here. That's just to comply with existing ordinance rules.

The next 'Be it Further Resolved', requests the military to do a mapping project, which is what I just showed you. That's exactly what they're doing, and they're not done. They're going to continue to do it.

"The next one is, 'Be it Further Resolved' that the military conduct a risk assessment. That's what they have done. That's what they're reporting to us. Better to leave them there than to drag them up.

"The next 'Be it Further Resolved' is that the military monitor dumpsites off Hawaiian shores. Again, that's what they're doing. This is all with the full knowledge of the Department of Defense and the US Congress.

"The next 'Be it Further Resolved' that now all of a sudden it's considered a major emergency after 60 years, and that the military should develop an emergency public notification procedure, which they have in place already. And that they should look at any contamination or other dangers arising from the dumpsites which are many miles offshore and in very, very deep water.

"The next 'Be it Further Resolved, the next to the last, says the Departments of Health and Public Safety shall develop adequate safety procedures including evacuation and disaster control procedures. Well Mr. Speaker, as you and I know, it's not the Department of Health or Public Safety that does that. It's our Civil Defense. So we can pass this out. I guess it does no harm. But I just want to make sure that the Members know that there is nothing requested in this measure that isn't already being done. Thank you."

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

"Mr. Speaker, in strong support. I think the importance of this Resolution is highlighted by the fact that it took a KHON TV news reporter to tell us about these tens of thousands of mustard and other types of chemical munitions that were dumped at sea, offshore from Waianae and other areas around this State.

"So I think it's difficult for the public to have a whole lot of trust at this point on this issue. That's why it's extremely important that this type of Resolution be passed, and that we make a strong statement that we want to ensure that all of these types of things are disclosed.

"Mr. Speaker, I was at those community meetings out in Waianae and basically it was told to us is that they're going to come back and

report to us in the spring. A lot of these questions are still unanswered, and a lot of it is still being researched by the military. I think it's extremely important that we remain vigilant on this issue. I have additional written comments that I'd like to submit in strong support. Thank you," and the Chair "so ordered."

Representative Shimabukuro submitted the following letter:

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

November 10, 2005

Hon. Francis J Harvey
Secretary of the Army
The Pentagon
Washington, DC 20310

Re: Chemical weapons dumped off the Wai'anae Coast, Pearl Harbor, and any other locations in Hawai'i

Secretary Harvey,

I am writing to request a written report and public meetings regarding the Army's dumping of chemical weapons near Hawai'i approximately 60 years ago. The report and public meetings should include the Army's plans to mitigate the impact of these weapons on human health and the environment.

While comments by the Army have indicated that the dumping was done a considerable distance from Hawai'i shores, KHON Channel 2 News recently revealed that the dumping may have occurred much closer. Reports indicate ordnance litter is frequently found within 5 miles offshore of the district I represent, the Wai'anae Coast of O'ahu, Hawai'i.

I believe the people of Hawai'i have a right to full disclosure regarding the description, condition, and location of the dumped munitions, with special emphasis on the human health and environmental threats posed by the materials. It is imperative that the Army perform a risk assessment regarding this matter immediately.

I look forward to your response. Feel free to contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

MAILE SHIMABUKURO
Representative, House District 45

Cc: Governor Linda Lingle
Mayor Mufi Hanneman
Hawai'i House of Representatives Speaker Calvin Say
Wai'anae Neighborhood Board Chair Cynthia Rezentes
Wai'anae Harbormaster William Aila, Jr.
Malama Makua member Fred Dodge
Westside Stories Editor Gail Gomes
KHON Channel 2 News"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 233, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MILITARY TO MAP AND MONITOR ALL MUNITION DUMPSITES OFF HAWAIIAN SHORES," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

CONFERENCE COMMITTEE REPORTS

The Chair then stated:

"Members, please note the Reports of Conference Committees, 48-hour notice listed on pages 2 and 3."

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 427, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 12-06) recommending that S.B. No. 427, 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. 12-06 and S.B. No. 427, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 706, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 13-06) recommending that S.B. No. 706, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13-06 and S.B. No. 706, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," was deferred for a period of 48 hours.

Representatives Chang and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2667, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 14-06) recommending that S.B. No. 2667, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14-06 and S.B. No. 2667, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2237, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 15-06) recommending that S.B. No. 2237, 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. 15-06 and S.B. No. 2237, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," was deferred for a period of 48 hours.

Representatives Caldwell and Nakasone, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2021, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 16-06) recommending that S.B. No. 2021, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-06 and S.B. No. 2021, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2639, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 55-06) recommending that H.B. No. 2639, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-06 and H.B.

No. 2639, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," was deferred for a period of 48 hours.

Representative Takumi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1861, SD 1, presented a report (Conf. Com. Rep. No. 56-06) recommending that H.B. No. 1861, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-06 and H.B. No. 1861, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 862, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 57-06) recommending that H.B. No. 862, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-06 and H.B. No. 862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2422, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 58-06) recommending that H.B. No. 2422, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-06 and H.B. No. 2422, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 386, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 59-06) recommending that H.B. No. 386, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-06 and H.B. No. 386, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 287) was placed on the members' desk and referred:

H.R. No. 287, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO PROHIBIT SMOKING IN ANY AREA UNDER ITS JURISDICTION," was offered by Representative Harbin.

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 853) was received by the Clerk:

Sen. Com. No. 853, dated April 17, 2006, informing the House that the Senate has on April 17, 2006, reconsidered its action taken on April 13, 2006, in agreeing to the amendments proposed by the House to the following Senate Bill and has moved to disagree to the amendments:

2190, SD 1, HD 2 "RELATING TO EMPLOYMENT SECURITY."

OTHER COMMUNICATION

The following communication dated April 26, 2006 was received by the Clerk:

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

April 26, 2006

TO: All Senate and House Members

FROM: Robert Bunda, President
Senate

Calvin K.Y. Say, Speaker
House of Representatives

SUBJECT: Legislative Calendar

We hereby waive the April 13, 2006 deadline on the 2006 Legislative Timetable specifically for the Senate to disagree to the House amendments contained in SB 2190 SD1 HD2."

ANNOUNCEMENTS

Representative B. Oshiro requested a waiver of the 24-hour notice requirement for the purpose of reconvening a Conference Committee on H.B. No. 3016, HD 1, SD 1, Relating to Unserved Arrest Warrants, today at 2:00 in room 325, stating:

"My apologies to Conference members, Caldwell and Stevens, but we need to reconvene because the Judiciary just gave us notice that they have concerns. I don't know why it took them so long, but we're going to be reconsidering and taking a look so we can reconsider," and the Chair "so ordered."

Speaker Say: "Representative Stevens, do you understand what happened? The waiver of the 24-hour notice at the request of the Judiciary Branch?"

Representative Souki, for the Committee on Transportation, requested a waiver of the 48-hour advanced notice requirement to hear H.R. No. 112, with a proposed HD 1, on Thursday, April 27th, at 8:30 a.m. in Conference Room 224, stating:

"The proposed HD 1 is to encourage the Department of Transportation, with the cooperation of the Department of Land and Natural Resources, to assist in this State and nation on policy to reduce the reliance on fossil fuels and to promote the development of an ethanol industry in the State of Hawaii. The proposed House Draft Mr. Speaker, is available in Room 433, if they wish to review the entire draft," and the Chair "so ordered."

ADJOURNMENT

At 12:44 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 6:30 o'clock p.m., tomorrow,

Thursday, April 27, 2006. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 26, 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 following bill has this day passed Final Reading in the House of Representatives:

S.B. No. 2213, SD 2, HD 2, CD 1

House Communication dated April 26, 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 Bill:

2190, SD1, HD2 Caldwell/Takamine, Co-Chairs; Stevens

FIFTY-SEVENTH DAY

Thursday, April 27, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 6:37 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Shirley Batad-Labisoires, legislative aide to Representative Luke, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Caldwell, Harbin, Herkes, Marumoto, Morita, Nishimoto, Saiki, Schatz, Souki, Takai, Takamine and Yamashita, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journal of the Forty-Sixth Day was approved. (Representatives Abinsay, Caldwell, Harbin, Herkes, Marumoto, Morita, Nishimoto, Saiki, Souki, Takai, Takamine and Yamashita were excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 285) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 285, transmitting H.B. No. 2208, HD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 26, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2208

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, House Bill No. 2208, entitled "A Bill for an Act Relating to Counties."

The stated purpose of this bill is to extend the statute of limitations for actions against the counties for damage or injury from six month [sic] to two years.

This bill is objectionable because it is inconsistent with the intended purpose of section 46-72, Hawaii Revised Statutes, which was to create a claims procedure as a prerequisite to the filing of a lawsuit, not to establish a limitations period for filing a lawsuit. Notification of a claim within six months of the occurrence of the incident giving rise to the claim is to allow for a prompt investigation while facts and circumstances are still fresh, witnesses are still available, and conditions remain substantially the same. An early review of claims would minimize unnecessary litigation, because a determination can be made whether the claim is frivolous or should be settled before a lawsuit is filed. If the claim is denied, the claimant still has the option to file a lawsuit within the two-year statute of limitations set forth in section 657-7, Hawaii Revised Statutes.

The claims procedure provided by section 46-72 will become a nullity if the time to submit a written notice of a claim were identical to the time to file a lawsuit.

For the foregoing reasons, I am returning House Bill No. 2208 without my approval.

Respectfully,

/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 286 through 303) were received and announced by the Clerk:

Gov. Msg. No. 286, informing the House that on April 26, 2006, the following bill was signed into law:

S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS." (ACT 029)

Gov. Msg. No. 287, informing the House that on April 26, 2006, the following bill was signed into law:

S.B. No. 2296, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES." (ACT 030)

Gov. Msg. No. 288, informing the House that on April 26, 2006, the following bill was signed into law:

S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS." (ACT 031)

Gov. Msg. No. 289, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 2885, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS." (ACT 032)

Gov. Msg. No. 290, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION." (ACT 033)

Gov. Msg. No. 291, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 2303, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 034)

Gov. Msg. No. 292, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 1242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 453-16, HAWAII REVISED STATUTES." (ACT 035)

Gov. Msg. No. 293, informing the House that on April 26, 2006, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution:

S.B. No. 2602, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS." (ACT 036)

"EXECUTIVE CHAMBERS
HONOLULU

April 27, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431

Honolulu, Hawaii 968 13

Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2602 SD1

On April 26, 2006, Senate Bill No. 2602, entitled "Relating to Adult Probation Records" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill adds persons and entities to the list of those who are allowed access to adult probation records to include court officers and designated social workers. The bill also allows the court to give contact information of current and former defendants to attorneys or collection agencies contracted to collect court penalties, fees, and judgments.

The statutory changes under Senate Bill No. 2602 have generally met the original intent of the bill to improve services to offenders, victims, and the community through selective release of information under collaborative relationships. The bill sought the release of information to selected individuals who facilitated the collection of delinquent monetary penalties and restitution. It also sought release of information to service providers to ensure offenders receive the proper substance abuse treatment.

The standard practice in substance abuse treatment is that the risk assessment and need for treatment services are obtained by a provider before placement decisions are made. Senate Bill No. 2602, however, states that the defendant's risk assessment and need for treatment services "shall be given only upon the acceptance or admittance of the defendant into a treatment program." Providing such information after the client is admitted is contrary to standard clinical practice, since a client should be admitted only if there is an assessed need for treatment.

Treatment providers, which are private nonprofit entities, objected to the above provision since it may result in admissions of clients who require specialized services that may be beyond a provider's program capacity or are inappropriate for the offender.

The Judiciary has indicated that despite these possible problems, they are willing to monitor the effects of the law and make suggested statutory changes to the 2007 Legislature.

Therefore, I allowed Senate Bill No. 2602 SD1 to become law as Act 36 effective April 26, 2006 without my signature.

Sincerely,
/s/Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 294, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY." (ACT 037)

Gov. Msg. No. 295, informing the House that on April 27, 2006, the following bill was signed into law:

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." (ACT 038)

Gov. Msg. No. 296, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND." (ACT 039)

Gov. Msg. No. 297, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 040)

Gov. Msg. No. 298, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 041)

Gov. Msg. No. 299, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 042)

Gov. Msg. No. 300, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 043)

Gov. Msg. No. 301, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 1819, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES." (ACT 044)

Gov. Msg. No. 302, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION." (ACT 045)

Gov. Msg. No. 303, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS." (ACT 046)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 849 through 852; and 854 through 856) were received and announced by the Clerk:

Sen. Com. No. 849, informing the House that S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Final Reading in the Senate on April 26, 2006.

Sen. Com. No. 850, transmitting H.C.R. No. 11, H.D. 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," which was adopted by the Senate on April 26, 2006.

Sen. Com. No. 851, transmitting H.C.R. No. 278, H.D. 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," which was adopted by the Senate on April 26, 2006.

Sen. Com. No. 852, transmitting H.C.R. No. 300, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A LAND USE WORKING GROUP TO ADDRESS ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," which was adopted by the Senate on April 26, 2006.

Sen. Com. No. 854, dated April 26, 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 Concurrent Resolutions:

81, SD 1, HD 1 Chun Oakland, Chair; Baker, Fukunaga, Trimble

196, SD 1, HD 1 Kokubun, Chair; Kim/Ige, Co-Chairs; Slom

Sen. Com. No. 855, dated April 26, 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:

2440, HD 2, SD 2 Menor, Chair; Hanabusa/Taniguchi, Co-Chairs; Espero, Hogue

Sen. Com. No. 856, dated April 27, 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:

2133, SD 2, HD 2 Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Whalen

At 6:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:08 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Abinsay, Saiki, Takai, Takamine and Waters were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 6-06 and S.B. No. 2924, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2924, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support of this measure with some reservations. As the Committee Report states, this bill and the one that follows it, the impetus for drawing up these bills was a recent animal cruelty case where the Hawaiian Humane Society took in about 69 dogs that belonged to a man who was a constituent of mine and was a dog breeder. And by keeping the dogs for a very

long time, while this case went to court, they incurred a lot of expenses for board and care for the animals.

"But in looking at the existing laws on animal cruelty, it really is a question of whether this man was really being cruel to the dogs. The dogs had food, the dogs had water, and the dogs had shelter. Some of the dogs were in the house, but many were outside in cages because they were going to be sold. I think that sometimes the Humane Society is overzealous. The owner of these dogs has a very large piece of property, had a lot of equipment on there. It was a little bit crowded with things like many people. They gather more than what they can really take care of.

"But as far as the animals, I don't see that as the law is written that he was being cruel to these animals. It wasn't like the case in Hawaii Kai where a woman was raising dogs and had them in a vacant apartment and came infrequently to check on the animals. This owner came home every night, every day, made sure the dogs had water and food, and then he would exercise various dogs each day. So I'm just concerned that we are perhaps overreacting in this situation. If the Humane Society rather than taking possession of all these animals, had worked out something with the owner, they would not have incurred all the expense that they incurred. 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. 2924, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 7-06 and S.B. No. 2930, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 8-06 and S.B. No. 2243, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2243, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 9-06 and S.B. No. 695, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 695, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 10-06 and S.B. No. 2265, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2265, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 11-06 and S.B. No. 3051, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3051, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 52-06 and H.B. No. 2098, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2098, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 53-06 and H.B. No. 2282, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2282, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 54-06 and H.B. No. 2897, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2897, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

At 7:13 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2924, SD 1, HD 1, CD 1
 S.B. No. 2930, SD 1, HD 1, CD 1
 S.B. No. 2243, SD 1, HD 1, CD 1
 S.B. No. 695, HD 1, CD 1
 S.B. No. 2265, SD 1, HD 1, CD 1
 S.B. No. 3051, SD 2, HD 1, CD 1
 H.B. No. 2098, HD 1, SD 1, CD 1
 H.B. No. 2282, HD 1, SD 1, CD 1
 H.B. No. 2897, HD 1, SD 1, CD 1

CONFERENCE COMMITTEE REPORTS

At this time, the Chair announced:

"Members, for Conference Committee Reports, please note the 48-hour notice. Once more, for the Conference Committee Reports listed on pages 3 through 10. You'll have another 48 hours to go over all of these measures to get the summary and the objectives of what it is."

Representatives Herkes 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. 1223, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 17-06) recommending that S.B. No. 1223, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-06 and S.B. No. 1223, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2244, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 18-06) recommending that S.B. No. 2244, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-06 and S.B. No. 2244, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," was deferred for a period of 48 hours.

Representatives B. Oshiro and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2600, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 19-06) recommending that S.B. No. 2600, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-06 and S.B. No. 2600, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," was deferred for a period of 48 hours.

Representatives Saiki and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3180, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 20-06) recommending that S.B. No. 3180, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20-06 and S.B. No. 3180, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was deferred for a period of 48 hours.

Representatives Sonson, Arakaki and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3254, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 21-06) recommending that S.B. No. 3254, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21-06 and S.B. No. 3254, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2430, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 22-06) recommending that S.B. No. 2430, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22-06 and S.B. No. 2430, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," was deferred for a period of 48 hours.

Representatives Arakaki, Sonson, Herkes and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2227, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 23-06) recommending that S.B. No. 2227, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23-06 and S.B. No. 2227, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Representatives Kanoho, Saiki and Chong, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2004, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 24-06) recommending that S.B. No. 2004, 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. 24-06 and S.B. No. 2004, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Representatives Kanoho and 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. 2006, SD 3, HD 2, presented a report (Conf. Com. Rep. No. 25-06) recommending that S.B. No. 2006, SD 3, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25-06 and S.B. No. 2006, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," was deferred for a period of 48 hours.

Representatives Kanoho and 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. 2358, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 26-06) recommending that S.B. No. 2358, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26-06 and S.B. No. 2358, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," was deferred for a period of 48 hours.

Representative Kanoho, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2501, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 27-06) recommending that S.B. No. 2501, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27-06 and S.B. No. 2501, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," was deferred for a period of 48 hours.

Representatives Abinsay and Morita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3076, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 28-06) recommending that S.B. No. 3076, 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. 28-06 and S.B. No. 3076, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2298, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 29-06) recommending that S.B. No. 2298, 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. 29-06 and S.B. No. 2298, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," was deferred for a period of 48 hours.

Representatives Herkes 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. 3065, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 30-06) recommending that S.B. No. 3065, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30-06 and S.B. No. 3065, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 743, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 31-06) recommending that S.B. No. 743, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31-06 and S.B. No. 743, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was deferred for a period of 48 hours.

Representatives Ito and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 826, HD 2, presented a report (Conf. Com. Rep. No. 32-06) recommending that S.B. No. 826, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32-06 and S.B. No. 826, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," was deferred for a period of 48 hours.

Representatives Sonson, Herkes and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2162, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 33-06) recommending that S.B. No. 2162, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33-06 and S.B. No. 2162, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," was deferred for a period of 48 hours.

Representatives Sonson and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2188, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 34-06) recommending that S.B. No. 2188, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34-06 and S.B. No. 2188, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the

House in S.B. No. 2327, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 35-06) recommending that S.B. No. 2327, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35-06 and S.B. No. 2327, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," was deferred for a period of 48 hours.

Representatives Sonson and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2328, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 36-06) recommending that S.B. No. 2328, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36-06 and S.B. No. 2328, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," was deferred for a period of 48 hours.

Representatives Luke, Herkes and Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2248, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 37-06) recommending that S.B. No. 2248, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37-06 and S.B. No. 2248, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2360, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 38-06) recommending that S.B. No. 2360, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38-06 and S.B. No. 2360, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," was deferred for a period of 48 hours.

Representatives Chang, 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. 2485, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 39-06) recommending that S.B. No. 2485, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39-06 and S.B. No. 2485, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Representatives Kanoho 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. 2487, HD 1, presented a report (Conf. Com. Rep. No. 40-06) recommending that S.B. No. 2487, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40-06 and S.B. No. 2487, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Representatives Hale, Karamatsu and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the

amendments proposed by the Senate in H.B. No. 2199, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 60-06) recommending that H.B. No. 2199, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-06 and H.B. No. 2199, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," was deferred for a period of 48 hours.

Representatives Morita and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1955, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 61-06) recommending that H.B. No. 1955, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-06 and H.B. No. 1955, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," was deferred for a period of 48 hours.

Representatives Caldwell, Sonson and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2367, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 62-06) recommending that H.B. No. 2367, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-06 and H.B. No. 2367, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," was deferred for a period of 48 hours.

Representatives Ito, Souki and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1809, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 63-06) recommending that H.B. No. 1809, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-06 and H.B. No. 1809, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," was deferred for a period of 48 hours.

Representatives Ito and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2343, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 64-06) recommending that H.B. No. 2343, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-06 and H.B. No. 2343, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred for a period of 48 hours.

Representatives Ito and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3121, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 65-06) recommending that H.B. No. 3121, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-06 and H.B. No. 3121, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," was deferred for a period of 48 hours.

Representatives Kanoho and Tsuji, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2974, SD 1, presented a report (Conf. Com. Rep. No. 66-06) recommending that H.B. No. 2974, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66-06 and H.B. No. 2974, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2899, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 67-06) recommending that H.B. No. 2899, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67-06 and H.B. No. 2899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," was deferred for a period of 48 hours.

Representatives B. Oshiro and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3217, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 68-06) recommending that H.B. No. 3217, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68-06 and H.B. No. 3217, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," was deferred for a period of 48 hours.

Representatives Morita, Luke and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2039, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 69-06) recommending that H.B. No. 2039, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69-06 and H.B. No. 2039, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," was deferred for a period of 48 hours.

Representatives Morita, Luke and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2503, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 70-06) recommending that H.B. No. 2503, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70-06 and H.B. No. 2503, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1935, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 71-06) recommending that H.B. No. 1935, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71-06 and H.B. No. 1935, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

At 7:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:20 o'clock p.m.

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. 1977, HD 1, SD 2 H.B. No. 2737, HD 1, SD 1
H.B. No. 2133, SD 1 H.B. No. 3037, HD 1, SD 1

The Chair stated:

"At this time, the Chair recognizes Representative Finnegan. What is the motion at this point? To reconsider the action taken. The prior motion was to suspend the Rules of the House to consider action to reconsider."

The motion was put to vote by the Chair and carried. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

FINAL READING

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

The Chair stated:

"Representative Pine, what is the motion now before us?"

Representative Pine rose to respond, stating:

"We're moving to pass the said House Bills for Final Reading."

H.B. No. 1977, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1977, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Luke and Souki). Noes, none. Excused, 1 (Thielen).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1977, H.D. 1 and H.B. No. 1977, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS," passed Final Reading by a vote of 46 ayes, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.B. No. 2133, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2133, on the following showing of Ayes and Noes:

Ayes, 3 (Kanoho, B. Oshiro and Thielen). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2133, SD 1, pass Final 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 support of House Bill 2133.

"Mr. Speaker, House Bill 2133 will support preservation of the western-most tip of the island and comprising of approximately thirty-four acres, which represents the last relatively intact coastal dune ecosystem remaining in Oahu. Its purpose as defined in House Bill 2133, will aid to prohibit all public vehicular access within the Ka'ena Point natural area reserve. Prohibiting vehicular access will allow the vegetation to recover its resources after being degraded by vehicles that have traveled upon them in the past. House Bill 2133 is of particular significance to Native Hawaiian cultural practitioners, as its land resources are essential to Hawaiian cultural traditions. Ka'ena Point is deeply important to Native Hawaiians as historically this particular point of Oahu, contains *leina a ka'uhane*, the 'leaping place of souls', it is believed that spirits of the recently dead can be united with their ancestors, here.

"Acceptance of House Bill 2133 will implement preservation of one of the last dune ecosystems in Hawaii and it will also preserve an important part of Hawaiian culture.

"Support of HB2133 will assist Department of Land and Natural resources in monitoring vehicular activities in the Ka'ena Point Natural Area reserve and State Park, and protect against damage to a valuable land resource of Oahu.

"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 House agreed to the amendments proposed by the Senate to H.B. No. 2133 and H.B. No. 2133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM," passed Final Reading by a vote of 46 ayes, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.B. No. 2737, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2737, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, B. Oshiro and Stevens). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2737, H.D. 1 and 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," passed Final Reading by a vote of 46 ayes, with

Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.B. No. 3037, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 3037, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, Luke and Moses). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3037, H.D. 1 and H.B. No. 3037, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Final Reading by a vote of 46 ayes, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

At 7:23 o'clock p.m., the Chair noted that the following House bills passed Final Reading:

H.B. No. 1977, H.D. 1, S.D. 2
H.B. No. 2133, S.D. 1
H.B. No. 2737, H.D. 1, S.D. 1
H.B. No. 3037, H.D. 1, S.D. 1

The Chair stated:

"Representative Thielen, what Action Sheet will we be moving on to now? Representative Thielen, we just took care of our yellow Action Sheets. What's the next Action Sheet behind that? The white Action Sheet."

Representative Thielen rose to respond stating:

"The white Action Sheet, Mr. Speaker. It is for Concurrent Resolutions."

At 7:24 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 7:24 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative M. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

H.C.R. 12 (SD 1)
H.C.R. 30, HD 1 (SD 1)
H.C.R. 34, HD 1 (SD 1)
H.C.R. 36, HD 1 (SD 1)
H.C.R. 41, HD 1 (SD 1)
H.C.R. 75, HD 1 (SD 1)
H.C.R. 79, HD 1 (SD 1)
H.C.R. 88, HD 1 (SD 1)
H.C.R. 98, HD 1 (SD 1)
H.C.R. 109, HD 1 (SD 1)
H.C.R. 112, HD 1 (SD 1)
H.C.R. 192, HD 1 (SD 1)
H.C.R. 197, HD 1 (SD 1)
H.C.R. 202, HD 1 (SD 1)
H.C.R. 312, HD 1 (SD 1)

At 7:26 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:27 o'clock p.m.

At 7:27 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 7:30 o'clock p.m.

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. 12, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 12, and H.C.R. 12, S.D. 1, entitled: "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," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 30, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 30, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I have reservations. My reservations are, I know we're passing a bill to prohibit development, on the *makai* side, but it seems to me that there's some legal problems that we're going to run into if there are already agreements entered into, legal contracts entered into. And now we're urging a State entity, if you will, to break that agreement. It just makes me uncomfortable that we started with something and now we're just backing off. And it's just, we can just break a contract because we're the State, but if a company did that, there would be serious ramifications. Thank you."

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

"Mr. Speaker, in support. I just want to clarify something. The terms of this agreement between HCDA and the successful bidder are such that actually either party legally can back out at any time. So while that may be the case that there would be normally legal ramifications if the State backed out of a contract, there are no such concerns in this particular case because those were the terms of the RFP. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support of this Resolution. I would also at this time like to publicly thank Alexander & Baldwin for being a very good corporate citizen in standing down and working with the State of Hawaii and with this Legislature to overcome public outcry, and perhaps maybe some wrong decisions.

"But with that being said, with regards to the liability to the State, I think it was very clear, through HCDA and Alexander & Baldwin, that the letter of intent to accept the process was actually to be implemented in January before we went into Session, and all parties

agreed to stand down. So I think the liability question and the exposure to the State is not a very good argument.

"However, I would also say that, again on behalf of the people of Kakaako and the citizens of Hawaii, that this is a great Resolution and I hope that everyone here supports it. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 30, HD 1, and H.C.R. 30, H.D. 1, S.D. 1, entitled: "URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 34, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 34, HD 1, and H.C.R. 34, H.D. 1, S.D. 1, entitled: "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," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 36, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 36, HD 1, and H.C.R. 36, H.D. 1, S.D. 1, entitled: "REQUESTING THE DEPARTMENT OF HEALTH TO WORK IN COOPERATION WITH THE STATE TOURISM LIAISON AND THE HAWAII HOTEL & LODGING ASSOCIATION IN RAISING AWARENESS, EDUCATION, AND PREVENTION OF THE INCREASING INCIDENCE OF BEDBUGS," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 41, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 41, and H.C.R. 41, S.D. 1, entitled: "RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 75, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 75, SD 1, be Adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On behalf of McKinley High School and the users in the district, I'd like to thank everybody for this

Resolution and hope that it proceeds on course. Thank you. I am in strong support."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 75, and H.C.R. 75, S.D. 1, entitled: "RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 79, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 79, and H.C.R. 79, S.D. 1, entitled: "REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 88, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 88, and H.C.R. 88, S.D. 1, entitled: "REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 98, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 98, HD 1, and H.C.R. 98, H.D. 1, S.D. 1, entitled: "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE STATEWIDE FERAL PIG POPULATION," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 109, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 109, HD 1, and H.C.R. 109, H.D. 1, S.D. 1, entitled: "SUPPORTING THE PLANNED 2006 COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 112, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 112, and H.C.R. 112, S.D. 1, entitled: "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," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 192, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 192, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising with some concerns about this measure. Thank you. I believe the Attorney General's Office is adequately staffed and very capable of impartially investigating the reservoir dam collapse on Kauai. I don't think we need to ask them to appoint a special Deputy Attorney General. Thank you."

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

"Thank you, Mr. Speaker. I rise in support. I especially want to thank the Attorney General for working with me on a compromise with regard to this issue, and especially recognizing that the State may be in conflict in some of the civil actions in representing itself and defending itself. I just want to add additional written comments to the Journal," and the Chair "so ordered."

Representative Morita's written remarks are as follows:

"Mr. Speaker, when this Body passed House Concurrent Resolution 192 in the form of a House Draft 1, I spoke at length about the concerns of many people in my community. These constituents were extremely disappointed in the Attorney General's negotiated guilty plea involving one of the owners of the Kaloko reservoir regarding an earlier environmental catastrophic event that resulted in criminal charges. Currently, as this investigation proceeds with the potential legal issues that may ensue over the Kaloko reservoir dam breach, the Attorney General's office may find itself in the position of not only prosecuting or suing a State agency, but defending it as well. Therefore, the investigation of the Kaloko reservoir dam breach, conclusions about its cause, and possible subsequent legal actions to place responsibility for it should not be jeopardized or mired in conflict of interest charges.

"Unfortunately, at this late date in this legislative Session, there was no way that we could amend statutes to allow for an independent investigator distinct from the Attorney General to hold the powers and authority of that office to fully investigate and, if necessary, prosecute this incident. However, I believe the language of the Senate Draft 1 is a fair compromise of the best way we can handle this situation under existing laws. Should this Body not be satisfied with the State's investigation, later, in the next legislative Session, we can authorize a legislative investigation of the incident, if necessary.

"This resolution also outlines the history of the United States Office of the Independent Counsel. The Special Counsel is an independent prosecutor distinct from the Attorney General of the United States Department of Justice that provides reports to the United States Congress under Title 28 of the United States Code, Section 595. Perhaps, to avoid this dilemma again, we should look at the Office of the Independent Counsel as a model or investigate other States for model legislation to authorize a Special Counsel before the need should ever arise.

"I especially want to thank the our House Chair of the Water, Land & Ocean Resources Committee and the Senate Chair of the Water, Land & Agriculture Committee, for working with me on this measure."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 192, HD 1, and H.C.R. 192, H.D. 1, S.D. 1, entitled: "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 Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 197, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 197, SD 1, be Adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, thank you for the opportunity to speak in favor of this Resolution. There is a lot of State land, which is under the control of the Department of Health, in the area around Leahi Hospital. It's adjacent to Kapiolani Community College. It's on the saddle of Diamond Head. And there are several blocks that belong to the State and there should be a master plan. I think this is a very good resolution. I would encourage all of you to vote for it. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 197, and H.C.R. 197, S.D. 1, entitled: "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 Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 202, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 202, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in support, but I do have a concern about this, if I may? Thank you. Mr. Speaker, if you notice, the House Concurrent Resolution would have included homeless in this examination of whether or not mobile home parks would be a possible option for solving that crisis, the lack of housing crisis. Unfortunately the Senate version only focuses on Hawaii's affordable housing. I think that we should have left homeless in and I'm sorry that we didn't have a chance to go to Conference on this matter to convince the Senate. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 202, HD 1, and H.C.R. 202, H.D. 1, S.D. 1, entitled: "REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE LAND USE COMMISSION, THE OFFICE OF PLANNING, THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL, THE UNITED STATES ARMED FORCES IN HAWAII, THE COUNTIES, AND THE AFFORDABLE HOUSING AND HOMELESS ALLIANCE TO STUDY THE USE OF MOBILE HOME PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S AFFORDABLE HOUSING CRISIS," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 312, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 312, HD 1, SD 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 Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This is a Resolution requesting the Hawaii Institute for Human Rights to convene a working group to examine and make recommendations regarding United Nations' human rights instruments for adoption by the State of Hawaii.

"My problem is I don't believe that the United Nations has proven itself a paragon of exemplary behavior. Recently, the United Nations has admitted that many of its peacekeeping forces have violated the rights set forth in the Convention of the Rights of a Child. There have been reports of peacekeepers raping, abusing, and exploiting women and children, contrary to their declaration. What does that say to us about the people that created the document? They do not practice what they preach. For those reasons, I can't support this Resolution."

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

"Thank you, Mr. Speaker. I support this. It did not come out of my Committee like this. Actually we asked for the Convention of the Child. But with the Conference Committee with the Senate, they wanted to broaden to a study of all of the kinds of human rights conventions that have been passed by the United States, and have not been passed by the United States.

"As far as the United Nations actually violating certain people, if you follow what has happened, the Secretary of the United Nations has really tackled that problem to clean it up.

"And I think for the United States, this applies to a former Resolution, one that we are agreeing to, and that is for Okinawa, where the United States troops have violated many of the human rights that we supposedly are telling people that they should do this. And for that reason, we have asked that some of these bases in Okinawa be moved. But I strongly support this and I think that by doing a taskforce on this area we can find out where, again the United States has not carried out many of the documents that we started when we started the United States, and also the human rights declaration.

"So we're hoping that the State of Hawaii can lead the United States as to how we carry out some of these decisions. Thank you."

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

"Thank you, Mr. Speaker. In opposition. I've traveled through scores of countries, Mr. Speaker, and the human rights we have here in the United States are second to none. There are countries where you can't protest, you can't speak. You'll get run over by a tank or whatever it is. You'll get locked into jail for trying to do anything. Women still can't vote. The abuses that are around the world and with countries that are represented in the UN, the abuses that they have in their own countries are just horrendous. And yet they can see fit to come together in the United Nations and try to preach to countries like us, who have real human rights. We do have human rights here. We respect human rights. So Mr. Speaker, there's no way I can support a Resolution like this."

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

"Thank you, Mr. Speaker. I rise in strong support of this Resolution. As the good Representative from Puna had mentioned, this is not the Resolution that left the House. But I'm very proud to be voting in favor of it and encourage my colleagues to think of the bigger picture.

"Last year, this Body passed, both us and the Senate, passed a draft of the UN Rights, Convention on the Rights of Indigenous People. When I sat in Geneva last summer, representing Hawaii and *vis-a-vis*

the United States, at an interparliamentary union conference. We are the only state in the nation that recognizes the rights of indigenous people by adopting this UN convention draft. The United States was not present. The United States did not sign this.

"So when we look at the possibility that Hawaii has to be leaders in the planet for states of a free nation to adopt UN conventions and drafts, I think we have a tremendous opportunity to set the standard. And I appreciate the fact that the Senate has worked with us. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 312, HD 1, and H.C.R. 312, H.D. 1, S.D. 1, entitled: "REQUESTING THE HAWAII INSTITUTE FOR HUMAN RIGHTS TO CONVENE A WORKING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING UNITED NATIONS' HUMAN RIGHTS INSTRUMENTS FOR ADOPTION BY THE STATE OF HAWAII," was Adopted with Representatives Meyer, Moses and Stonebraker voting no, and with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

At 7:46 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 6:30 o'clock p.m. tomorrow, Friday, April 28, 2006. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 41-06 through 50-06; 72-06 through 94-06; and 101-06 through 115-06) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 41-06 and S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 42-06 and S.B. No. 3262, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 43-06 and S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 44-06 and S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 45-06 and S.B. No. 3185, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 46-06 and S.B. No. 2339, SD 2, HD 1, CD 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 Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 47-06 and S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 48-06 and S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 49-06 and S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 50-06 and S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 72-06 and H.B. No. 2555, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 73-06 and H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 74-06 and H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 75-06 and H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 76-06 and H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 77-06 and H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 78-06 and H.B. No. 439, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 79-06 and H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 80-06 and H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 81-06 and H.B. No. 2265, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 82-06 and H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 83-06 and H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 84-06 and H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 85-06 and H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 86-06 and H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 87-06 and H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 88-06 and H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 89-06 and H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 90-06 and H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 91-06 and H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 92-06 and H.B. No. 3016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 93-06 and H.B. No. 2299, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 94-06 and H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 101-06 and S.B. No. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 102-06 and S.B. No. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 103-06 and S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 104-06 and S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 105-06 and S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 106-06 and S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 107-06 and S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 108-06 and S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 109-06 and S.B. No. 2922, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 110-06 and S.B. No. 2158, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 111-06 and S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 112-06 and S.B. No. 2193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 113-06 and S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 114-06 and S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 115-06 and S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Friday, April 28, 2006.

HOUSE COMMUNICATIONS

House Communication dated April 27, 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. 169, HD 1, SD 1 Replaced Representative Abinsay with Representative Chang as Chair.

H.B. 328, SD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 330, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 954, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 955, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 1033, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 1082, HD 3, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 1200, HD 2, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 1360, HD 2, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 1843, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 1928, HD 2, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2145, HD 2, SD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2146, HD 1, SD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2179, HD 2, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2271, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2763, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2771, HD 2, SD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2772, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2774, HD 1, SD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

H.B. 2796, HD 1, SD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 244, SD 2, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 1065, SD 2, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 1268, SD 2, HD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 1899, SD 1, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2155, SD 2, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2485, SD 2, HD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2486, SD 2, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2492, SD 1, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2753, SD 1, HD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2954, SD 2, HD 2 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 3049, SD 1, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 3076, SD 1, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 3078, SD 2, HD 1 Replaced Representative Abinsay with Representative Chang as Co-Chair.

House Communication dated April 27, 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. 2299, HD 1, SD 1 Discharged Representative B. Oshiro. Added Representative Luke as Chair.

H.B. 3016, HD 1, SD 1 Discharged Representative B. Oshiro. Added Representative Luke as Chair.

H.B. 3256, HD 1, SD 1 Replaced Representative B. Oshiro as Chair with Representative Luke. Added Representative B. Oshiro as a member.

House Communication dated April 27, 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 measure:

H.B. 970, HD 1, SD 1 Added Representative Waters as member.

House Communication dated April 27, 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 following bills have this day passed Final Reading in the House of Representatives:

S.B. No. 2924, SD 1, HD 1, CD 1

S.B. No. 2930, SD 1, HD 1, CD 1

S.B. No. 2243, SD 1, HD 1, CD 1
S.B. No. 695, HD 1, CD 1
S.B. No. 2265, SD 1, HD 1, CD 1
S.B. No. 3051, SD 2, HD 1, CD 1
H.B. No. 2098, HD 1, SD 1, CD 1
H.B. No. 2282, HD 1, SD 1, CD 1
H.B. No. 2897, HD 1, SD 1, CD 1

House Communication dated April 27, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 13, 2006, and has this day, agreed to the amendments and passed the following House Bills on Final Reading:

H.B. No. 1977, HD 1, SD 2 H.B. No. 2737, HD 1, SD 1
H.B. No. 2133, SD 1 H.B. No. 3037, HD 1, SD 1

House Communication dated April 27, 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 agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. 12, SD 1 H.C.R. 98, HD 1, SD 1
H.C.R. 30, HD 1, SD 1 H.C.R. 109, HD 1, SD 1
H.C.R. 34, HD 1, SD 1 H.C.R. 112, SD 1
H.C.R. 36, HD 1, SD 1 H.C.R. 192, HD 1, SD 1
H.C.R. 41, HD 1, SD 1 H.C.R. 197, SD 1
H.C.R. 75, SD 1 H.C.R. 202, HD 1, SD 1
H.C.R. 79, SD 1 H.C.R. 312, HD 1, SD 1
H.C.R. 88, SD 1

FIFTY-EIGHTH DAY

Friday, April 28, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 6:46 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Deirdra Alo, legislative aide to Representative Magaoay, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Carroll, Kanoho, Souki, Stonebraker, Takamine and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 304 through 309) were received and announced by the Clerk:

Gov. Msg. No. 304, dated April 25, 2006, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for federal fiscal year ending September 30, 2005.

Gov. Msg. No. 305, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 1920, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH." (ACT 047)

Gov. Msg. No. 306, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 3254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE." (ACT 048)

Gov. Msg. No. 307, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2331, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES." (ACT 049)

Gov. Msg. No. 308, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT." (ACT 050)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 857 through 860) were received and announced by the Clerk:

Sen. Com. No. 857, dated April 27, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. No. 696, Discharged Senator Taniguchi as Co-Chair.
SD 1, HD 2 Added Senator Taniguchi as a conferee.

S.B. No. 2948, Discharged Senator Taniguchi as Co-Chair.
SD 1, HD 2 Added Senator Taniguchi as a conferee.

S.B. No. 3119, Discharged Senator Taniguchi as Co-Chair.
SD 2, HD 1 Added Senator Taniguchi as a conferee.

Sen. Com. No. 858, informing the House that the following bills have this day passed Final Reading in the Senate on April 27, 2006.

H.B. No. 2098, HD 1, SD 1, CD 1
H.B. No. 2282, HD 1, SD 1, CD 1
H.B. No. 2897, HD 1, SD 1, CD 1
S.B. No. 695, HD 1, CD 1
S.B. No. 2243, SD 1, HD 1, CD 1
S.B. No. 2259, SD 1, HD 1
S.B. No. 2265, SD 1, HD 1, CD 1
S.B. No. 2924, SD 1, HD 1, CD 1
S.B. No. 2930, SD 1, HD 1, CD 1
S.B. No. 3051, SD 2, HD 1, CD 1

Sen. Com. No. 859, informing the House that the Senate has agreed to the amendments proposed by the House to the following Senate Concurrent Resolutions and that said resolutions were adopted in final form by the Senate on April 27, 2006:

12, SD 1, HD 1 "REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE."

67, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANSION PROGRAM."

70, HD 1 "REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO DETERMINE A MEANS FOR A CHILD TO BE SCREENED PRIOR TO THE START OF THE CHILD'S EDUCATION, AT THE CHILD'S FIRST ENTRY INTO PRESCHOOL AND ELEMENTARY SCHOOL, TO PROVIDE FOR DIAGNOSIS, REFERRAL, CORRECTION OR TREATMENT, AND TO INTEGRATE THE EFFORTS OF COMMUNITY AND STATE ORGANIZATIONS RELATED TO SCREENING UNDER THIS HAWAII CHILDHOOD SCREENING INITIATIVE."

98, SD 1, HD 1 "URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS."

117, SD 1, HD 1 "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."

118, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE 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."

Sen. Com. No. 860, dated April 27, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 957, HD 1, SD 1 Added Senator Inouye as Co-Chair. Added Senators Espero, Fukunaga as conferees.

S.B. No. 1740, SD 1, HD 1 Added Senator Inouye as Co-Chair. Added Senators Espero, Fukunaga as conferees.

INTRODUCTIONS

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

Representative Berg introduced her office manager, Ms. Jen Wilbur; and Kapiolani Community College volunteer intern, Ms. Annie Popovich.

Representative Luke introduced her friends Mr. Arkie and Mrs. Ruth Koehl; and Mr. David and Mrs. Cindy Cheever.

Representative Kanoho introduced Ms. Anela Grace, a volunteer in his office, and her friend Mr. Guy Belegaud.

Representative Caldwell introduced Ms. Lynn Miller, legislative aide to Representative Yamane.

Representative Caldwell also introduced Mr. Brickwood Galuteria, Chair of the Democratic Party of Hawaii.

Representative Kahikina introduced former Senator, Reverend Bob Nakata and his wife, Mrs. Joanna Nakata.

Representative M. Oshiro introduced labor leader, Mr. Harold Dias, Jr.

At 6:55 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:13 o'clock p.m.

ORDER OF THE DAY

UNFINISHED BUSINESS

Conf. Com. Rep. No. 12-06 and S.B. No. 427, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 13-06 and S.B. No. 706, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 14-06 and S.B. No. 2667, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 15-06 and S.B. No. 2237, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 16-06 and S.B. No. 2021, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 55-06 and H.B. No. 2639, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 56-06 and H.B. No. 1861, SD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 57-06 and H.B. No. 862, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 58-06 and H.B. No. 2422, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 59-06 and H.B. No. 386, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

CONFERENCE COMMITTEE REPORTS

Representatives Evans, Karamatsu and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2909, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 41-06) recommending that S.B. No. 2909, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41-06 and S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was deferred for a period of 48 hours.

Representatives Arakaki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3262, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 42-06) recommending that S.B. No. 3262, 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. 42-06 and S.B. No. 3262, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Representatives Hale, Karamatsu and Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3192, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 43-06) recommending that S.B. No. 3192, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43-06 and S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," was deferred for a period of 48 hours.

Representatives Morita, Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3105, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 44-06) recommending that S.B. No. 3105, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44-06 and S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred for a period of 48 hours.

Representatives Morita, Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3185, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 45-06) recommending that S.B. No. 3185, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45-06 and S.B. No. 3185, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Representatives Arakaki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2339, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 46-06) recommending that S.B. No. 2339, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46-06 and S.B. No. 2339, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," was deferred for a period of 48 hours.

Representatives Sonson, Luke and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2323, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 47-06) recommending that S.B. No. 2323, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47-06 and S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2941, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 48-06) recommending that S.B. No. 2941, 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. 48-06 and S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2260, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 49-06) recommending that S.B. No. 2260, 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. 49-06 and S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 951, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 50-06) recommending that S.B. No. 951, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50-06 and S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," was deferred for a period of 48 hours.

Representatives Kanoho 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. 2555, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 72-06) recommending that H.B. No. 2555, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72-06 and H.B. No. 2555, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Representatives Kahikina, Luke and Nishimoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2991, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 73-06) recommending that H.B. No. 2991, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73-06 and H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Representatives Chang and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2772, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 74-06) recommending that H.B. No. 2772, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-06 and H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," was deferred for a period of 48 hours.

Representatives Kanoho, Chang, Luke and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2145, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 75-06) recommending that H.B. No. 2145, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-06 and H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," was deferred for a period of 48 hours.

Representatives Morita and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2848, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 76-06) recommending that H.B. No. 2848, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-06 and H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Representatives Morita, Kanoho, B. Oshiro and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1706, HD 3, SD 1, presented a report (Conf. Com. Rep. No. 77-06) recommending that H.B. No. 1706, HD 3, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-06 and H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," was deferred for a period of 48 hours.

Representatives Magaoy, 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. 439, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 78-06) recommending that H.B. No. 439, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-06 and H.B. No. 439, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," was deferred for a period of 48 hours.

Representatives Kanoho, Chang, 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. 2271, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 79-06) recommending that H.B. No. 2271, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-06 and H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1878, SD 1, presented a report (Conf. Com. Rep. No. 80-06) recommending that H.B. No. 1878, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-06 and H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," was deferred for a period of 48 hours.

Representatives Ito, Caldwell and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2265, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 81-06) recommending that H.B. No. 2265, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-06 and H.B. No. 2265, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3242, SD 1, presented a report (Conf. Com. Rep. No. 82-06) recommending that H.B. No. 3242, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-06 and H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2410, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 83-06) recommending that H.B. No. 2410, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-06 and H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1995, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 84-06) recommending that H.B. No. 1995, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-06 and H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," was deferred for a period of 48 hours.

Representatives Kanoho, Chang and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2146, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 85-06) recommending that H.B. No. 2146, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-06 and H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 237, HD 3, SD 1, presented a report (Conf. Com. Rep. No. 86-06) recommending that H.B. No. 237, HD 3, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-06 and H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was deferred for a period of 48 hours.

Representatives Karamatsu 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. 2805, SD 1, presented a report (Conf. Com. Rep. No. 87-06) recommending that H.B. No. 2805, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-06 and H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," was deferred for a period of 48 hours.

Representatives Karamatsu and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2708, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 88-06) recommending that H.B. No. 2708, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-06 and H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," was deferred for a period of 48 hours.

Representatives Karamatsu and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1968, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 89-06) recommending that H.B. No. 1968, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-06 and H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3225, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 90-06) recommending that H.B. No. 3225, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90-06 and H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Representatives Luke and Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1871, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 91-06) recommending that H.B. No. 1871, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91-06 and H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3016, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 92-06) recommending that H.B. No. 3016, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92-06 and H.B. No. 3016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2299, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 93-06) recommending that H.B. No. 2299, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-06 and H.B. No. 2299, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3256, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 94-06) recommending that H.B. No. 3256, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94-06 and H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred for a period of 48 hours.

Representatives Morita, Herkes and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1021, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 95-06) recommending that H.B. No. 1021, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95-06 and H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was deferred for a period of 48 hours.

Representatives Caldwell, Herkes and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2211, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 96-06) recommending that H.B. No. 2211, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96-06 and H.B. No. 2211, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Representatives Caldwell, Karamatsu and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2691, SD 2, presented a report (Conf. Com. Rep. No. 97-06) recommending that H.B. No. 2691, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97-06 and H.B. No. 2691, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2412, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 98-06) recommending that H.B. No. 2412, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98-06 and H.B. No. 2412, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Representatives Caldwell and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2678, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 99-06) recommending that H.B. No. 2678, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99-06 and H.B. No. 2678, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Representatives Caldwell and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2950, SD 2, presented a report (Conf. Com. Rep. No. 100-06) recommending that H.B. No. 2950, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100-06 and H.B. No. 2950, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," was deferred for a period of 48 hours.

Representatives Saiki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2948, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 101-06) recommending that S.B. No. 2948, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101-06 and S.B. No. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," was deferred for a period of 48 hours.

Representatives Saiki, Kahikina and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3119, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 102-06) recommending that S.B. No. 3119, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102-06 and S.B. No. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 895, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 103-06) recommending that S.B. No. 895, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103-06 and S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," was deferred for a period of 48 hours.

Representatives Souki and Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2901, HD 1, presented a report (Conf. Com. Rep. No. 104-06) recommending that S.B. No. 2901, 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. 104-06 and S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," was deferred for a period of 48 hours.

Representative Kanoho, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2929, HD 1, presented a report (Conf. Com. Rep. No. 105-06) recommending that S.B. No. 2929, 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. 105-06 and S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2065, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 106-06) recommending that S.B. No. 2065, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106-06 and S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2283, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 107-06) recommending that S.B. No. 2283, 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. 107-06 and S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Luke and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 696, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 108-06) recommending that S.B. No. 696, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108-06 and S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2922, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 109-06) recommending that S.B. No. 2922, 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. 109-06 and S.B. No. 2922, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2158, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 110-06) recommending that S.B. No. 2158, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110-06 and S.B. No. 2158, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2159, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 111-06) recommending that S.B. No. 2159, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111-06 and S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2193, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 112-06) recommending that S.B. No. 2193, 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. 112-06 and S.B. No. 2193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2290, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 113-06) recommending that S.B. No. 2290, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113-06 and S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2292, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 114-06) recommending that S.B. No. 2292, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114-06 and S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2293, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 115-06) recommending that S.B. No. 2293, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115-06 and S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," was deferred for a period of 48 hours.

Representatives Takumi, Caldwell and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2887, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 116-06) recommending that S.B. No. 2887, 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. 116-06 and S.B. No. 2887, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Kanoho, Magaoay 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. 2090, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 117-06) recommending that S.B. No. 2090, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117-06 and S.B. No. 2090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Representatives Kanoho, B. Oshiro and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3077, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 118-06) recommending that S.B. No. 3077, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118-06 and S.B. No. 3077, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," was deferred for a period of 48 hours.

Representatives Kahikina, Kanoho and Magaoay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3000, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 119-06) recommending that S.B. No. 3000, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119-06 and S.B. No. 3000, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representatives Kahikina, Kanoho and Magaoay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2774, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 120-06) recommending that S.B. No. 2774, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120-06 and S.B. No. 2774, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3111, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 121-06) recommending that S.B. No. 3111, 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. 121-06 and S.B. No. 3111, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," was deferred for a period of 48 hours.

Representatives Arakaki and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2727, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 122-06) recommending that S.B. No. 2727, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122-06 and S.B. No. 2727, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," was deferred for a period of 48 hours.

ANNOUNCEMENTS

Representative Magaoay: "I know it's been a long day, but Mr. Speaker and colleagues, it's really an honor for me to stand today and honor the Chair of Public Safety and Military Affairs as he turns another year. I would like to honor our good Windward Representative, Ken Ito. I don't want to disclose his age, but Ken Ito could you open your eyes and say hi to everybody."

Representative Waters: "Thank you, Mr. Speaker. He is as old as his tongue and slightly older than his teeth."

Representative Ching: "Thank you, Mr. Speaker. With that, I would like to announce Historic Preservation Day. Honoring all great things that get better with age. We do have a historic preservation awareness celebration this year coming up again, Monday through Wednesday. I want to remind everyone that it is the 100th anniversary of the Antiquities Act, the rural historic preservation declared by DLNR.

"We're really grateful that there's been a lot of support this Session. We're going to celebrate the legislation on Monday with Historic

Preservation Day, a Proclamation, and then a heritage walk on Tuesday around the Capitol Cultural District. A number of the exhibits and we have approximately 30 preservation organizations from around the State. So I encourage everyone to stop by Conference Rooms 325 and 329. One of your organizations from your districts might be there hopefully. And we'll be ending with a reception.

"We hope everyone will come out. We realize it's a tough time, however, it is National Historic Preservation month and that's why we have to have it in May. Thank you."

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representatives Abinsay, Carroll, Souki, Stonebraker and Takumi were excused.)

At 7:17 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 10:00 o'clock a.m., Tuesday, May 2, 2006. (Representatives Abinsay, Carroll, Souki, Stonebraker and Takumi were excused.)

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 123-06 through 237-06) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 123-06 and S.B. No. 439, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 124-06 and S.B. No. 467, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 125-06 and S.B. No. 1294, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 126-06 and S.B. No. 2898, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 127-06 and S.B. No. 2720, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 128-06 and S.B. No. 3072, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 129-06 and S.B. No. 2343, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 130-06 and S.B. No. 2145, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 131-06 and S.B. No. 2957, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 132-06 and S.B. No. 3181, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 133-06 and S.B. No. 486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 134-06 and S.B. No. 3003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 135-06 and S.B. No. 3215, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 136-06 and S.B. No. 3247, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 137-06 and S.B. No. 3252, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 138-06 and S.B. No. 2570, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 139-06 and S.B. No. 3078, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 140-06 and S.B. No. 2997, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 141-06 and S.B. No. 845, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 142-06 and S.B. No. 1899, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 143-06 and S.B. No. 2984, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 144-06 and S.B. No. 2036, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 145-06 and S.B. No. 2753, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUI IRRIGATION SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 146-06 and S.B. No. 2486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 147-06 and S.B. No. 2879, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 148-06 and S.B. No. 2575, SD 2, HD 1, CD 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 Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 149-06 and S.B. No. 2348, SD 1, HD 1, CD 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 Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 150-06 and S.B. No. 1648, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 151-06 and H.B. No. 1862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 152-06 and H.B. No. 1891, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 153-06 and H.B. No. 1800, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 154-06 and H.B. No. 1923, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 155-06 and H.B. No. 2669, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 156-06 and H.B. No. 2239, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 157-06 and H.B. No. 2399, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 158-06 and H.B. No. 2075, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 159-06 and H.B. No. 1880, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 160-06 and H.B. No. 2214, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 161-06 and H.B. No. 2637, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 162-06 and H.B. No. 2500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 163-06 and H.B. No. 1900, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 164-06 and H.B. No. 1280, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 165-06 and H.B. No. 1889, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 166-06 and H.B. No. 1879, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 167-06 and H.B. No. 3259, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 168-06 and H.B. No. 3235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 169-06 and H.B. No. 1918, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 170-06 and H.B. No. 2626, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 171-06 and H.B. No. 2540, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 172-06 and H.B. No. 2051, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 173-06 and H.B. No. 2277, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 174-06 and H.B. No. 2045, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 175-06 and H.B. No. 1821, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 176-06 and S.B. No. 475, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 177-06 and S.B. No. 2334, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 178-06 and S.B. No. 3253, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 179-06 and S.B. No. 2961, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 180-06 and S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 181-06 and S.B. No. 2150, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 182-06 and S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 183-06 and S.B. No. 2273, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 184-06 and S.B. No. 965, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 185-06 and S.B. No. 2958, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 186-06 and S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 187-06 and S.B. No. 2133, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 188-06 and S.B. No. 2502, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 189-06 and S.B. No. 2143, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 190-06 and S.B. No. 2484, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 191-06 and S.B. No. 2480, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 192-06 and S.B. No. 2504, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 193-06 and S.B. No. 3090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 194-06 and S.B. No. 3270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 195-06 and S.B. No. 2214, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 196-06 and S.B. No. 2461, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 197-06 and S.B. No. 3120, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 198-06 and S.B. No. 3035, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 199-06 and S.B. No. 2505, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 200-06 and S.B. No. 2274, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 201-06 and H.B. No. 2778, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 202-06 and H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 203-06 and H.B. No. 1865, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 204-06 and H.B. No. 1866, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 205-06 and H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 206-06 and H.B. No. 2153, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 207-06 and H.B. No. 3116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 208-06 and H.B. No. 3056, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 209-06 and H.B. No. 2109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 210-06 and H.B. No. 1867, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 211-06 and S.B. No. 218, SD 4, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 212-06 and S.B. No. 2630, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 213-06 and S.B. No. 3009, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 214-06 and S.B. No. 3101, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 215-06 and S.B. No. 2980, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 216-06 and S.B. No. 3197, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 217-06 and S.B. No. 3059, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 218-06 and S.B. No. 3195, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 219-06 and S.B. No. 3273, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 220-06 and S.B. No. 2076, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 221-06 and S.B. No. 2190, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 222-06 and S.B. No. 2708, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 223-06 and S.B. No. 2719, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 224-06 and H.B. No. 3105, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 225-06 and H.B. No. 3142, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 226-06 and H.B. No. 2961, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 227-06 and H.B. No. 2558, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 228-06 and H.B. No. 2947, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 229-06 and H.B. No. 3244, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 230-06 and H.B. No. 970, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 231-06 and H.B. No. 2175, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 232-06 and H.B. No. 266, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 233-06 and H.B. No. 2179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 234-06 and H.B. No. 2176, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 235-06 and H.B. No. 2966, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 236-06 and H.B. No. 3115, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 237-06 and S.B. No. 2956, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Senate that the House has made the following changes to the conferees on the following measures:

H.B. 2961,
HD 1, SD 1 Discharged Representative Takumi as Co-Chair.
Added Representative Berg as Co-Chair.

H.B. 3115,
HD 2, SD 2 Discharged Representative Morita as Co-Chair.
Discharged Representative Caldwell.

S.B. 2956,
SD 2, HD 2 Discharged Representative Takumi as Co-Chair.
Added Representative Berg as Co-Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m., Tuesday, May 2, 2006.

HOUSE COMMUNICATIONS

House Communication dated April 28, 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 measure:

S.B. 3205, Changed Representative Carroll from Co-Chair to manager.
SD 2, HD 1 Added Representative Yamane as Co-Chair.

House Communication dated April 28, 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 measure:

S.B. 475, Discharged Representative Carroll.
SD 2, HD 1 Added Representative Yamane as Co-Chair.

House Communication dated April 28, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the

FIFTY-NINTH DAY

Tuesday, May 2, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 10:17 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Deacon Kats Taura of Waialae Baptist Church, after which the Roll was called showing all members present with the exception of Representative Kanoho, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 309 through 318) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 309, informing the House that on April 28, 2006, the following bill was signed into law:

H.B. No. 2346, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY." (ACT 051)

Gov. Msg. No. 310, informing the House that on April 28, 2006, the following bill was signed into law:

H.B. No. 2273, SD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT." (ACT 052)

Gov. Msg. No. 311, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2210, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL." (ACT 053)

Gov. Msg. No. 312, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 1833, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS." (ACT 054)

Gov. Msg. No. 313, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2443, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT." (ACT 055)

Gov. Msg. No. 314, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 3194, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE." (ACT 056)

Gov. Msg. No. 315, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 3018, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES." (ACT 057)

Gov. Msg. No. 316, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2780, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS." (ACT 058)

Gov. Msg. No. 317, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 1983, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 059)

Gov. Msg. No. 318, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2207, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT." (ACT 060)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 861 through 866) were received and announced by the Clerk:

Sen. Com. No. 861, transmitting H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS AT AGE FIFTY-FIVE," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 862, transmitting H.C.R. No. 72, H.D. 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," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 863, transmitting H.C.R. No. 180, H.D. 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," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 864, transmitting H.C.R. No. 200, H.D. 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," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 865, transmitting H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ISABELA OF THE REPUBLIC OF THE PHILIPPINES," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 866, informing the House that the Senate has, on April 28, 2006, reconsidered action taken on April 25, 2006, in disagreeing to the amendments proposed by the House and has adopted in final form the following Senate Concurrent Resolutions:

- 32, SD 1, HD 1 "REQUESTING THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."
- 159, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM."

INTRODUCTIONS

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

Representative Pine introduced members of the Iroquois Point Elementary School Band, and their Principal, Mr. Bob Elliot; Music Teacher, Mr. David Utrera; and parents, Madalene Aponte, Stacey Scalf, Linda Coronado, Ruth Brown, Kristen Alvarado, Linda Carlson, Nuniamah Evans, and Pia Valeriano.

Representative Caldwell introduced members of the Kakaako Coalition and Mr. Ron Iwami.

Representative Kahikina introduced members of the Kukui Gardens Association; President, Ms. Carol Anzai, and Rev. Bob Nakata.

Representative Wakai introduced Mr. Bill Daniel, Chairman of William Daniel Venture Capitalists.

Representative Ito introduced former Attorney General, Mr. Ron Amemiya.

Representative Abinsay introduced Ms. Helena Manzano, an advocate for language access.

Representative Ching introduced her friend, Ms. Pauline Worsham.

Representative Harbin introduced her son, Mr. Bradley Endrizal.

Representative Berg introduced her constituent, Mr. George Downing of Downing Hawaii.

Representative Meyer introduced her Punahou classmate, Mr. Alex Jamile.

Representative Thielen introduced Mr. Henry Curtis of Life of the Land, and Ms. Kat Brady of the Community Alliance on Prisons.

ORDER OF THE DAY

SUPPLEMENTAL CALENDAR #1 CONFERENCE COMMITTEE REPORTS

At this time, the Chair announced:

"Before going on to the Unfinished Business, the Chair would like to say a few words regarding Supplemental Calendar No. 1 on your desk. For all of you, the following measures were filed with the Clerk's Office and were dated May 2nd, 2006.

"As you may know, the Senate President and I waived the Friday deadline for filing the Conference Committee Reports and Conference Drafts for these ten House bills.

"I wanted to take this opportunity to explain the procedural reasons for why these reports and bills were not filed on Friday night, and the reason the President and I waived the deadline.

"Back on December 13, 2005, the Senate President and I prepared an internal legislative timetable, setting April 28th as the last day to file fiscal bills to deck for Final Reading. On March 24th of this year, the President and I signed the Conference Committee Guidelines that provide, in paragraph 10(c), that all Conference Committee reports shall be filed by 11:30 p.m. on Friday, April 28th.

"However, several measures were being negotiated up to the last minutes on Friday night. Several Conference Committees, even though they had reached agreement on the substance of these ten measures, did not have the time to prepare and adequately review the reports and final form of the Conference Drafts prior to the filing deadline.

"Therefore, the President and I exercised our powers under Rule 12 of the Conference Committee Guidelines, to make an exception to this deadline for these bills. The reason we granted this exception was to provide the Conference Members with an opportunity to make sure that the Conference Reports and the Conference Drafts accurately reflected the agreements made on Friday evening.

"The President and I felt that since the Conferees had reached timely agreement on these bills, allowing these bills to die based on an internal procedural deadline for filing paperwork with the Clerk's office, was not in the best interests of the people of Hawaii.

"Rather, we felt it important to exercise the discretion that the Guidelines gave us to waive that deadline and ensure that the tax relief provided for in House Bill No. 957, as well as other important initiatives, would reach the floor of both houses for Final Reading as the Conference Committees intended.

"I wish to emphasize to all of you that previous Legislatures, when facing similar problems in past years, have followed the same procedure we will be following with these measures. These bills are listed on today's Supplemental Calendar No. 1 on the Order of the Day.

"Please note that these bills will receive the proper 48-hour notice of final form as required by the Constitution and will be before this House for Final Reading on Thursday."

Representatives Karamatsu and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2546, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 238-06) recommending that S.B. No. 2546, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 238-06 and S.B. No. 2546, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred for a period of 48 hours.

Representatives Sonson, Arakaki and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2043, HD 2, SD 3, presented a report (Conf. Com. Rep. No. 239-06) recommending that H.B. No. 2043, HD 2, SD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 239-06 and H.B. No. 2043, HD 2, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," was deferred for a period of 48 hours.

Representatives Sonson and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2258, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 240-06) recommending that H.B. No. 2258, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 240-06 and H.B. No. 2258, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred for a period of 48 hours.

Representatives Karamatsu and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2878, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 241-06) recommending that H.B. No. 2878, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 241-06 and H.B. No. 2878, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," was deferred for a period of 48 hours.

Representatives Karamatsu 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. 2806, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 242-06) recommending that H.B. No. 2806, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 242-06 and H.B. No. 2806, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," was deferred for a period of 48 hours.

Representatives Karamatsu, Herkes and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3036, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 243-06) recommending that H.B. No. 3036, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 243-06 and H.B. No. 3036, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," was deferred for a period of 48 hours.

Representatives Karamatsu, Herkes and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3118, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 244-06) recommending that H.B. No. 3118, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 244-06 and H.B. No. 3118, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred for a period of 48 hours.

Representatives Karamatsu, Waters and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3261, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 245-06) recommending that H.B. No. 3261, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 245-06 and H.B. No. 3261, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," was deferred for a period of 48 hours.

Representatives Karamatsu and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3060, HD 1, SD 2, presented a

report (Conf. Com. Rep. No. 246-06) recommending that H.B. No. 3060, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 246-06 and H.B. No. 3060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," was deferred for a period of 48 hours.

Representatives Karamatsu, Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2419, HD 1, SD 3, presented a report (Conf. Com. Rep. No. 247-06) recommending that H.B. No. 2419, HD 1, SD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 247-06 and H.B. No. 2419, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 957, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 248-06) recommending that H.B. No. 957, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 248-06 and H.B. No. 957, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 237-06 and S.B. No. 2956, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to the end of calendar on May 4, 2006

SUSPENSION OF RULES

On motion by Representative B. Oshiro., seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 163-06 and H.B. No. 1900, HD 1, SD 1, CD 1:

Representative Takamine moved that the report of the Committee be adopted and that H.B. No. 1900, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative Kawakami

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

"Thank you Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, the budget has always been a collective effort. Because there was so much demand on resources available, it was even more critical that this budget be a product of many voices. Otherwise, Mr. Speaker, we would not be able to agree on its priorities.

"I'd like to first thank the Leadership and all the Committee Chairs for providing the framework for this budget. All the hard work of the various interim workgroups led by your Committee Chairs as they held hearings and briefings statewide to find answers to the critical

issues we face today have culminated in the priorities of this budget.

"I'd also like to thank the efforts of the Members of the Finance Committee. Beginning late last summer in August, the Finance Committee embarked on site visits that would encompass all islands. Those visits allowed us to see firsthand the challenges faced by our various communities.

"Mr. Speaker, I thank the Finance Committee staff for all their hard work in organizing our interim site visits, as well as all the time dedicated to analyzing the details of the budget and all the other bills that tied into the Executive Budget.

"Mr. Speaker, I would be remiss if I didn't acknowledge the hard work of your Grants-in-Aid Subcommittee Chair, Representative Magaoay, and I would like to thank Representative Nakasone and his staff for all their hard work on the CIP portion of the budget.

"Mr. Speaker, I'd like to also acknowledge and thank the tremendous contribution of Vice Chair Kawakami. Her insight and knowledge of the budget has been invaluable over the years. Vice Chair, thank you for all your support.

"Finally, Mr. Speaker, I would also like to acknowledge our Senate counterparts, Chair Taniguchi and his conferees, who were integral partners in crafting the Conference Draft of our State budget.

"Mr. Speaker, in your Opening Day remarks you challenged us. You pointed out that, and I quote from your remarks:

We need to take a collective deep breath and think hard before we decide what to do. As good stewards, we know there is a significant responsibility on our shoulders. We must make the right choices. Why? Because we may not have another chance like this for a long time.

"Rather than squandering this incredible opportunity, we took a balanced, fiscally responsible approach to this budget. During the mid to late 1990s, many states enjoyed economic booms that provided unprecedented revenues – a situation similar to what we face today. In response, these states both increased their spending, as well as reduced their taxes. These actions created structural deficits in their budgets, and when recession hit, these states were faced with making tough choices, which included raising taxes and cutting essential programs.

"We took a lesson from the past, Mr. Speaker, and heavily scrutinized new funding initiatives and tax cuts that would have created similar obligations in the future. We cannot and should not sacrifice the future of our children for short-term political gain.

"We began this Session with numerous ideas on how to spend our surplus. Our challenge was to strike a balance between providing for the numerous unmet needs in our communities caused by tight budgeting and ensuring a prosperous future for our State.

"You challenged us, Mr. Speaker, to reinvent our future. We did just that. This budget is one step towards doing so. Funding in several bills that we will be voting on later will more fully define that future.

"Mr. Speaker, we have repeatedly recognized that our children are our most precious resource. Our first, and perhaps our greatest, single priority is to ensure them a safe and prosperous future. That future begins in a safe, clean, and productive learning environment."

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

Representative Takamine continued, stating:

"Thank you. Mr. Speaker, our communities demanded that we fix our schools – both public schools and our colleges and universities.

Mr. Speaker, we did just that.

"Governor Lingle provided a mere \$40 million to fix schools. That's a drop in the bucket, Mr. Speaker, to tackle a backlog of repairs that amount to about \$525 million and grows by \$75 million every year. We're providing \$230 million in cash and bonds for this purpose. Our efforts will reduce the immediate backlog by one-third.

"Mr. Speaker, we could have the best primary educational system available, but it would be wasted, if it weren't also a door to higher learning opportunities. We found that our community college system and university system was suffering from a problem very similar to that of public education – decaying infrastructure. The Governor proposed to provide the university system with just \$10 million to address all of its critical repair needs. That's simply not enough.

"The University of Hawaii System has a backlog of over \$160 million. Our budget proposes \$50 million to take a major bite out of the repair and maintenance backlog.

"Mr. Speaker, in the process of building a stronger, more prosperous Hawaii, we cannot lose sight of our responsibility to the most vulnerable in our communities. If we are to invent a new future for ourselves, we cannot afford to leave anyone behind. We must improve the quality of life for all.

"Some people have said that we're too late to do anything about the affordable housing crunch. That doesn't mean that we shouldn't tackle the problem head on. Mr. Speaker, we did just that.

"As a start, \$50 million has been set aside to provide for an array of services for the homeless and to assure that affordable rentals will be available in the future. In addition, over \$34 million has been provided to decrease the number of people without health insurance; provide for dental services for low-income families; and support our rural hospitals in the delivery of efficient, high-quality healthcare services.

"Our quality of life also depends on the responsible use of our natural resources. Finding new ways to conserve energy and develop the technologies that allow us to decrease our dependence on oil are urgent priorities, not only for our citizens, but for our businesses that provide jobs for everyone. In order to address these efforts, we need to develop a comprehensive energy strategy and Mr. Speaker, we did just that.

"\$40 million will be invested in renewable energy incentives and research and development of new technologies and applications.

"Mr. Speaker, we are at a turning point in our State's history. The many sacrifices that we have collectively made have brought us to the point where economic diversity is no longer just a buzz-word. It is a part of a reality ..."

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

Representative Takamine continued, stating:

"Thank you. It is part of a reality that is starting to blossom. We stand on the edge of a brighter future for the State built on a foundation of years of visionary, steadfast, and difficult decisions.

"Not everyone will agree with the choices made. Some will say we could have done more to pay for programs and services. Others will say that we could have not cut enough taxes. I beg to differ.

"We must seize the opportunity we now have to really plan for the long term. We must not squander this chance to chart a new course. We don't know what the future holds, but that's exactly why we must exercise fiscal restraint.

"Mr. Speaker, we saw what happened in February and March when

our communities were inundated with heavy rains that caused much suffering. Governor Lingle requested over \$60 million to address this situation.

"Due to funding requirements of the ongoing war in Iraq, President Bush has already made cuts in federal funding that are being felt by this budget. For example, the Even Start Family Literacy program has already been cut by 60%. The President is now requesting that this program be eliminated.

"We've provided substantial resources to the Department of Education to fix our schools and address our repair and maintenance backlog. But our work is just beginning. Even if we were able to provide the DOE with \$150 million more per year, it would take until 2013 – six years from now – to totally eliminate the backlog.

"Mr. Speaker, the balanced combination of one-time funding and recurring expenses in this budget will ensure that we are prepared for uncertainty. This is a fiscally prudent, responsible and responsive budget that focuses on improving the quality of life for all the people of Hawaii. This is a budget that reinvents, defines and sets us on the path to that brighter, more prosperous future.

"Therefore, I urge my colleagues' support. Thank you very much, Mr. Speaker."

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

"Thank you Mr. Speaker, in support with some comments. Thank you. Thanks to Hawaii's hardworking people and our Administration's 'open for business' policies and attitude, Hawaii's economy is robust and continues to grow. We have the lowest unemployment rate in the nation. Employment is available for just about anybody in Hawaii who is willing to work. This, combined with some of the highest taxes in the nation has produced a very large surplus, which we have invested in public safety, healthcare, human services, alternative energy, transportation, our *aina*, our heritage, and education. These are all fundamental services that make our State a better place to live. In addition, many emergency situations receive necessary funding.

"Unfortunately Mr. Speaker, while some entire areas received everything asked for and more, often much, much more, others appeared to be intentionally singled out for reduced attention. I supported education since before my first election Mr. Speaker. It's what brought me here into politics.

"I'm not opposed to giving money to our schools. There's probably no more noble cause, but I question where the money has been used by the Department of Education. I believe that too much money has been provided with insufficient guidance and oversight. Money has been provided in amounts beyond the Department's ability to properly spend it, with the results that some funds sit in the DOE's account while our children still lack essentials and our citizens continue to pay taxes that are too high and other programs are deprived of needed funds.

"It would make better fiscal sense to appropriate an amount the DOE has the capacity to spend. Our tax dollars should be working for the taxpayers. Circulating through the economy not tucked under a mattress at the DOE.

"Although in another bill, House Bill 957, that you refer to earlier, that will be before us on Thursday, there is some income tax relief that was taken up at the last minute this Session – about \$51 million for our residents and approximately \$9 million for flood relief. That's very good. That's out of the surplus that exceeds \$700 million. There should have been more and it should have been done much sooner and it should be immediate. Immediate relief for the taxpayers. Our hardworking families were not considered for the benefits of their labor until at the deadline for taking action.

"Mr. Speaker, surely we all realized that money for tax relief to hard working families is circulated back through the marketplace, back through our entire economy and it makes our economy even stronger.

"On another subject, Mr. Speaker, I'm personally very saddened by the fact that while the DOE has benefited so grandly, the University of Hawaii did not receive needed funds for many program IDs, nor any of the funds for the badly needed West Oahu campus. It is true that the House provided \$200 million in B funds for the construction of the new campus in Kapolei and that the Senate deleted the money, but the final result remains that the people of West Oahu must wait for the badly needed campus despite the State's budget surplus.

"I like to end by commending this Body for providing badly needed funds for a North-South Road, sufficient funds to move ahead with the Kapolei Judiciary Complex, and funds for many needed and well deserved grants-in-aid. Although some projects I talked about are in the Second City at Kapolei, they are projects that are for the benefit of the entire island and I believe for the entire State. That's why I singled them out. Thank you, Mr. Speaker."

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

"Just in support, Mr. Speaker. And I want to use the words of the previous speaker and to also thank this Body for also including the whole Ewa Plain in their priorities this year. Thank you."

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

"Thank you, Mr. Speaker. In support, but I do have some reservations. Thank you Mr. Speaker. Mr. Speaker, we reviewed a lot of the budget bill and the Conference Committee Report and I did want to thank the Chair of Finance, as well as the Chair of Ways and Means in the Senate, and all those who participated in this bill. I know that this takes a lot of work so the comments that I have are meant to not disrespect anyone because I know that this budget, it still does a lot of good funding for our State.

"Mr. Speaker, some of the reservations that I have would be that as I look at it, there are a couple things that stood out in my mind as to our overall picture and what we're trying to accomplish as a State with government, and one of those is the issue in regards to an alternative to the HYCF situation that we have. It was brought to my attention that there is another alternative which is called the 'safe house.' And this safe house is an alternative from sending these youths over to Oahu, to and going to HYCF, instead staying on some of their own islands and Neighbor Islands. Some of that money has not been included in the budget and what that means is less alternatives for these youths on these Neighborhood Islands.

"We all know the challenges that they're having over there and that particular pilot project was visited by the US Department of Health and Human Services. The Administrator, I think he's the Secretary, and he said, that basically it was a great pilot project, that it was a good alternative and that it should be supported. And it would be nice, I think that some of the other areas like Maui and Kauai and West Hawaii were also included in some of that money to be able to fund that project.

"Another one that comes that stuck out to me was also for the DLNR's budget to help with the water access for the thousand affordable homes over in North Kona. You know, we are talking about different affordable housing measures and that would have been a good opportunity to increase our affordable housing on that side of the island.

"Overall, Mr. Speaker, I look at the bill and I want to thank, the Finance Committee for supporting Charter Schools. It does show support of Charter Schools in this particular area.

"In regard to schools in general, one of the things that I stood up and I've talked about throughout this whole Session is allowing the schools to be able to prioritize their own spending and through that and through community involvement we would be able to have meaningful programs, not just spread out throughout the whole State, but meaningful programs for each school level, at the school level and some of what's in the budget detracts from that. It basically says that, here we have DOE making the decisions for the school level needs and priorities, so I would have preferred if we put more money into school level priorities.

"Mr. Speaker, some of the things also that I'm concerned about is the Standard of Need. That particular bill, the money for that bill, it's really budget neutral. So in the beginning of the Session I talked about if we wanted to help the poor, that this is an area where we would be able to help them. The Standard of Need allows for more money going to groups like the aged, blind, and disabled, and although we are looking at a bill for that, it's considered 'budget neutral' and so it doesn't necessarily allow them to receive more money.

"As I look at this, let me see ... The other thing the main thing in regards to my reservations, however ..."

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

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. I think the main issue for me though with my reservation, is not having an overall picture with a six-year financial plan to be able to take a look at how this all fits together, and not just look in a bubble and say, 'Okay this is the budget and we have so many other bills that have fiscal implications to the State.' We have debt service. We have ongoing support for these programs. We have a lot of things in '07 in regards to our collective bargaining increases and other items that we don't have an ability to take a look into the future, and see how that works with our future stability, the financial stability of our State. Mr. Speaker, that's why I rise with reservations and I thank the hard work that everyone has put into it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1900, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Halford and Stonebraker voting no.

At 10:57 o'clock a.m., the Chair noted that H.B. No. 1900, HD 1, SD 1, CD 1, passed Final Reading.

At 10:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:10 o'clock p.m.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Berg introduced students of the Kamehameha Middle School Kukui Team, Project Citizen participants, and their teachers, Ms. Kim Maunakea, Ms. Amy Callahan, Ms. Renade Kaneakua, Ms. Joy Aiwohi, Mr. Mike Kawakami, Mr. Alan Akaka, and Ms. Laurie Seto.

Representative Berg also introduced Kamehameha Middle School student Trey Paresa, son of Assistant Sergeant-at-Arms Lon Paresa.

The Chair recognized the Clerk who announced:

"I have been informed by a representative of the President of the Senate that Conference Committee Report for H.B. No. 1900, HD 1, SD 1, CD 1, was adopted, and that H.B. No. 1900, HD 1, SD 1, CD 1, Relating to the State Budget, passed Final Reading in the Senate at 12:37 p.m. this day.

"In addition, I have been informed by the Assistant Clerk of the House that at 12:38 p.m., this day, H.B. No. 1900, HD 1, SD 1, CD 1, has been duly transmitted by the Legislature to the Governor, pursuant to Article VII, Section 9, of the Hawaii State Constitution."

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 867) was received and announced by the Clerk:

Sen. Com. No. 867, informing the House that the Senate has on May 2, 2006, passed the following bill on Final Reading:

H.B. No. 1900, "RELATING TO THE STATE BUDGET."
HD 1, SD 1,
CD 1

UNFINISHED BUSINESS

Conf. Com. Rep. No. 196-06 and S.B. No. 2461, SD 1, HD 1, CD 1:

At this time, Representative Arakaki offered Floor Amendment No. 4 amending S.B. No. 2461, SD 1, HD 1, CD 1 as follows:

SECTION 1. Senate Bill No. 2461, S.D. 1, H.D. 1, C.D. 1, is amended by adding a new part to read as follows:

"PART VII

SECTION 13. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000, or so much thereof as may be necessary for fiscal year 2006-2007, as grants pursuant to chapter 42F, Hawaii Revised Statutes, to:

(1) Molokai General Hospital	\$500,000
(2) Kahuku Hospital	\$500,000
(3) Hana Community Health Center	\$500,000

The sum appropriated shall be expended by the department of health for the purposes of this section.

SECTION 14. There is appropriated out of the general revenues of the State of Hawaii \$500,000, or so much as may be necessary for fiscal year 2006-2007, as a grant pursuant to chapter 42F, Hawaii Revised Statutes, for emergency room subsidy at the Waianae District Comprehensive Health and Hospital Board, Inc., doing business as Waianae Coast Comprehensive Health Center.

The sum appropriated shall be expended by the department of health for the purposes of this section."

SECTION 2. Senate Bill No. 2461, S.D. 1, H.D. 1, C.D. 1, is amended by renumbering section 13 as section 15, and designating it as "PART VIII".

Representative Arakaki moved that Floor Amendment No. 4 be adopted, seconded by Representative Takamine.

Representative Arakaki rose, stating:

"Thank you, Mr. Speaker. I'm offering an amendment to amend Senate Bill 2461, Senate Draft 1, House Draft 1, Conference Draft 1 to add additional appropriations to provide funding for Molokai General Hospital, Kahuku Hospital, Hana Community Health Center and Waianae District Comprehensive Health Center."

The motion that Floor Amendment No. 4 amending S.B. No. 2461, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," be adopted was put to vote by the Chair and carried.

Conf. Com. Rep. No. 211-06 and S.B. No. 218, SD 4, HD 1, CD 1:

At this time, Representative Arakaki offered Floor Amendment No. 5 amending S.B. No. 218, SD 4, HD 1, CD 1 as follows:

SECTION 1. S.B. No. 218, C.D. 1, is amended by designating sections 1 and 2 as part I.

SECTION 2. S.B. No. 218, C.D. 1, is amended by amending the last paragraph of section 1 to read as follows:

"The purpose of this [Aet] part is to appropriate funds to the department of health to establish a training stipend program for emergency medical technicians who do not have access to a training stipend program and who want to advance in their chosen profession by enrolling in a state-qualified mobile intensive care technician training program."

SECTION 3. S.B. No. 218, C.D. 1, is amended by amending the last paragraph of section 2 to read as follows:

"The sum appropriated shall be expended by the department of health for the purposes of this [Aet] part."

SECTION 4. S.B. No. 218, C.D. 1, is amended by adding a new section, designating the new section as part II, and numbering the new section as section 3, to read as follows:

"PART II

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as is necessary for fiscal year 2006-2007, to provide funding for helicopter medical transport services for the island of Oahu; provided that the department of health shall procure helicopter medical transport services for the island of Oahu according to the following priority:

- (1) Working with the department of defense;
- (2) Working with the city and county of Honolulu; or
- (3) Purchase of service.

The sum appropriated shall be expended by the department of health for the purpose of this part."

SECTION 5. S.B. No. 218, C.D. 1, is amended by renumbering section 3 as section 4, and designating the newly designated section 4 as part III.

Representative Arakaki moved that Floor Amendment No. 5 be adopted, seconded by Representative Takamine.

Representative Arakaki rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. Mr. Speaker, this is to provide an additional appropriation out of the general revenues of the State of Hawaii in the sum of \$1 million. This is to provide for funding for helicopter and medical transport services for the island of Oahu. As you all know, because of the departure of the MAST helicopter services, we have a need to provide interim services and ongoing

services as provided hopefully through the Department of Defense and the additional sums will allow us, the Department of Health to contract for those services."

The motion that Floor Amendment No. 5 amending S.B. No. 218, SD 4, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," be adopted was put to vote by the Chair and carried.

Conf. Com. Rep. No. 236-06 and H.B. No. 3115, HD 2, SD 2, CD 1:

At this time, Representative M. Oshiro offered Floor Amendment No. 6 amending H.B. No. 3115, HD 2, SD 2, CD 1 as follows:

SECTION 1. House Bill No. 3115, H.D. 2, S.D. 2, C.D. 1 (RELATING TO PETROLEUM INDUSTRY), is amended to read as follows:

SECTION 1. The legislature finds that the oil industry has in the past, and if unchecked, will likely in the future, use oligopolistic powers to set artificially high prices in Hawaii for motor fuel and other petroleum products. Disadvantaged by the secrecy in the industry, elected officials and the public are denied accurate assessments of the true causes of higher prices. True and effective transparency would be an effective tool to prevent the use of price maintenance schemes or other illegal behavior that artificially raises consumer prices.

While true transparency should provide benefits for Hawaii consumers, the legislature further finds that the combination of the state's geographical isolation and the market control exercised by the oil companies necessitate additional measures to safeguard the public. While the effectiveness of increased transparency is tested, the current maximum wholesale price of gasoline should be suspended but the governor should have the ability to reinstate it in the event transparency does not provide the relief needed and the oil industry maintains excessively high prices. The governor should have the authority to reinstate the maximum wholesale price upon publication of a finding that its reinstatement is beneficial to the economic well-being, health, or safety of the people of the State.

The legislature further finds that the establishment and allocation of adequate resources for a vigorous state watchdog system to monitor and oversee the petroleum industry and gasoline market is a prerequisite to ensure an efficient market. The public disclosure, collection, aggregation, and analyses of current data relating to Hawaii petroleum fuel prices, volumes, costs, and profits, and the subsequent reporting of this information to planning and enforcement agencies, such as the departments of the attorney general, business, economic development, and tourism, and taxation, for review and assessment, is critical in ensuring compliance with the letter and spirit of the laws and regulations designed to promote fair and competitive gasoline prices for Hawaii's consumers.

The purposes of this Act are to:

- (1) Require true transparency by the oil industry to increase competition and provide the public and elected officials with the necessary monitoring capability to discourage the industry from using price maintenance schemes or other anti-competitive practices that artificially raise consumer prices;
- (2) Suspend the maximum gasoline wholesale price while leaving the governor the ability to reinstate it if oil companies maintain excessively high prices that are detrimental to the economic well-being, health, or safety of the people of the state;
- (3) Require the public utilities commission to develop and maintain the petroleum industry monitoring, analysis, and reporting program, including an automated petroleum industry information reporting system;

- (4) Redelineate the types of information that the petroleum industry must submit to the public utilities commission;
- (5) Appropriate funds to be expended by the public utilities commission to establish and maintain the petroleum industry monitoring, analysis, and reporting program; and
- (6) Prohibit unfair trade practices by the petroleum industry.

PART I

SECTION 2. Chapter 486J, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§486J-A Informational cost reports. (a) Each refiner shall file with the commission, on a quarterly basis, in compliance with reporting dates established by the commission, on forms prescribed, prepared, and furnished by the commission, a certified statement of operating and overhead costs for the refiner's Hawaii operations that shall include but not be limited to the following:

- (1) Crude oil costs and sources;
- (2) Other feedstock costs and sources;
- (3) Refinery operating expenses;
- (4) Marketing operating expenses by petroleum product;
- (5) Distribution expenses by petroleum product;
- (6) Corporate overhead expenses; and
- (7) The percentage of the total number of wholesale gallons of unleaded regular and premium unleaded gasoline sold during the reporting period at wholesale prices per gallon that exceed two hundred per cent of the total costs and expenses reported in this subsection on a per gallon basis.

(b) In addition to the reporting required under subsection (a), each distributor shall file with the commission all Securities and Exchange Commission Forms 10-K, 10-Q, annual reports, quarterly reports, and earnings supplements published by the distributor.

(c) Each distributor, except a distributor who is so defined solely by criteria in paragraph (4) of that definition in section 486J-1, who sells liquid fuel only at retail and is not a refiner, shall file with the commission, on a quarterly basis in compliance with reporting dates established by the commission, on forms prescribed, prepared, and furnished by the commission, a certified statement of operating and overhead costs that shall include the following:

- (1) Gasoline purchases, exchanges, and sources;
- (2) Diesel purchases, exchanges, and sources;
- (3) Marketing expenses; and
- (4) Distribution expenses.

§486J-B Petroleum industry monitoring, analysis, and reporting program. The commission shall establish the petroleum industry monitoring, analysis, and reporting program that includes development and maintenance of an automated petroleum industry information reporting system that meets the requirements of government, industry, and the public while promoting sound policy making and consumer information and protection. The purpose of the petroleum industry monitoring, analysis, and reporting program is to conduct and facilitate the efficient analysis and reporting of all information and data provided by the petroleum industry pursuant to this chapter. The commission shall develop the petroleum industry

monitoring, analysis, and reporting program in a manner that will result in greater market transparency and provide useful information to the general public and those agencies that are authorized or mandated to conduct oversight of the petroleum industry and ensure compliance with all relevant laws."

SECTION 3. Section 486J-1, Hawaii Revised Statutes, is amended as follows:

1. By adding eight new definitions to be appropriately inserted and to read:

"Classes of retail trade" means the separate subdivisions, or "classes," of outlets or methods of retail sales of liquid fuels, typically but not always limited to gasoline and diesel for motor vehicles, and includes any:

- (1) Company-operated station that is a retail service station owned and operated by a refiner or wholesale distributor and where retail prices are set by that refiner or wholesale distributor;
- (2) Lessee dealer-operated station that is a retail service station owned by a refiner or wholesale distributor and operated by a qualified gasoline dealer other than a refiner or wholesale distributor under a franchise; or
- (3) Owner-operated station that is a retail service station not owned by a refiner or wholesale distributor and operated by a qualified gasoline dealer.

"Commission" means the public utilities commission.

"Corporate overhead expenses" means the expenses or costs allocated by the refiners that reflect their Hawaii business units' share of corporate staff costs, such as legal, finance, accounting, information technology, and similar costs.

"Dealer tank wagon price" means the wholesale price at which liquid fuel is sold to any retail outlet by any distributor priced on a delivered basis to a retail outlet.

"Liquid fuel" means fuels in liquid form, commercially usable for energy needs, power generation, and fuels that may be manufactured, produced, or imported into the State or that may be exported therefrom, including petroleum and petroleum products and all fuel alcohols.

"Nonrefiner wholesale price" means the wholesale price at which liquid fuel is sold by any distributor, not a refiner, to any other distributor, not a refiner, for resale at any subsequent wholesale or retail transaction.

"Refiner wholesale price" means the wholesale price at which liquid fuel is sold by a refiner to any distributor, not a refiner, for resale at any subsequent wholesale or retail transaction.

"Wholesale liquid fuel prices" means the prices at which liquid fuel is sold at wholesale for resale at wholesale or retail, typically but not limited to gasoline and diesel for motor vehicles, and include "dealer tank wagon price," "nonrefiner wholesale price," and "refiner wholesale price."

2. By amending the definitions of "distributor," "fuel," "person," and "refiner" to read:

"Distributor" means [and includes]:

- (1) Every person who refines, manufactures, produces, or compounds fuel in the [State,] state, and sells it at wholesale or at retail[-]; or who [utilizes] uses it directly in the manufacture of products or for the generation of power;

- (2) Every person who imports or causes to be imported into the [State] state, or exports or causes to be exported from the [State,] state, any fuel; ~~and~~
- (3) Every person who acquires fuel through exchanges with another distributor[-]; or
- (4) Every person who purchases fuel for resale at wholesale or retail from any person described in paragraph (1), (2), or (3); provided that "distributor" shall not include a marina, lessee dealer-operated station, owner-operated station, or other retailer that retails fuel only to end users or the public.

"Fuel" means ~~and includes~~ fuels, whether liquid, solid, or gaseous, commercially usable for energy needs, power generation, and fuels manufacture, that may be manufactured, grown, produced, or imported into the [State] state or that may be exported ~~therefrom;~~ from the state, including petroleum and petroleum products and gases, coal, coal tar, vegetable ferments, and all fuel alcohols.

"Person"[-] means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person" also includes any city, county, public district or agency, the State, or any department or agency ~~thereof;~~ of the State, and the United States or any department or agency of the United States to the extent authorized by federal law.

"Refiner" means any person who owns, operates, or controls the operations of one or more refineries[-] in Hawaii."

3. By deleting the definition of "petroleum commissioner."

~~["Petroleum commissioner" or "commissioner" means the administrator of the energy, resources, and technology division of the department of business, economic development, and tourism."]~~

SECTION 4. Section 486J-2, Hawaii Revised Statutes, is amended to read as follows:

"§486J-2 Distributors to register. Every distributor, and any person before becoming a distributor, shall register as such with the ~~commissioner~~ commission on forms to be prescribed, prepared, and furnished by the ~~commissioner;~~ commission."

SECTION 5. Section 486J-3, Hawaii Revised Statutes, is amended to read as follows:

"§486J-3 Statements. (a) Each distributor shall ~~at such~~ file monthly on reporting dates ~~as the commissioner may establish, file with the commissioner;~~ established by the commission, on forms prescribed, prepared, and furnished by the ~~commissioner;~~ commission, a certified statement showing separately for each county and for the islands of Lanai and Molokai within which and whereon fuel is sold or used during the last preceding reporting ~~period;~~ month, the following:

- (1) The total number of gallons or units of fuel, by type or grade, refined, manufactured, or compounded by the distributor within the [State and sold or used by the distributor] state; and, if for ultimate [use] sale or consumption in another county or on another island, [the name of that county or island;] the number of gallons or units of fuel, by type or grade, sold, exchanged, or otherwise transferred or used by the distributor in each county or island;
- (2) The total number of gallons or units of fuel, by type or grade, imported or exported by the distributor [or sold]; the total volumes of fuel, by type or grade, sold, exchanged, or otherwise transferred or used by the distributor[-]; and, if for ultimate [use] sale or consumption in another county or on another island, [the name of that] the number of gallons or units of fuel, by type or grade, sold, exchanged, or otherwise transferred or used by the distributor in each county or island;

- (3) The total number of gallons or units of fuel sold as liquid fuel, aviation fuel, diesel fuel, and other types of fuel as required by the ~~commissioner;~~ commission;

- (4) The total number of gallons or units of fuel ~~and the types thereof,~~ by type or grade, and their respective sales prices for all fuel sold to[-] federal, state, and county agencies, ships stores, or base exchanges, commercial agricultural accounts, commercial nonagricultural accounts, retail dealers, and other customers as required by the ~~commissioner;~~

- ~~(5) Monthly Hawaii] commission;~~

- (5) Weekly weighted average acquisition cost per barrel and volumes of foreign or domestic crude oil or other liquid fuels, finished or unfinished, imported to Hawaii, including information identifying the source of the crude oil or other liquid fuels;

- (6) The effective date and time, and the amount of change in cents per gallon, of any increase or decrease in wholesale price occurring during the week; and the weekly weighted average wholesale prices and sales volumes of finished [leaded regular,] unleaded regular[-] and premium motor gasoline, and of each other grade of gasoline sold [through company-operated], by island, to retail outlets, [to other end users,] by classes of retail trade, and to wholesale [customers;

- ~~(6) Monthly Hawaii] distributors;~~

- (7) Weekly weighted average retail prices and sales volumes of finished unleaded regular and premium motor gasoline, and of each other grade of gasoline sold, by island, by retail distributor outlets of all classes of retail trade, and by any distributor to other end-users; provided that the commission may purchase retail price data from data service companies that the commission may use to substitute some or all data to meet the reporting requirement for retail price data under this paragraph;

- (8) The effective date and time, and the amount of change in cents per gallon, of any increase or decrease in wholesale price occurring during the week; and the weekly weighted average wholesale prices and sales volumes [for residential sales, commercial and institutional sales, industrial sales, sales through company-operated retail outlets, sales to other end-users, and wholesale sales of No. 2 diesel fuel and No. 2 fuel oil; and

- ~~(7) Monthly Hawaii] of No. 2 diesel fuel and No. 2 fuel oil, by island, to retail distributor outlets, by classes of retail trade, and to all other wholesale distributors. Weighted average wholesale prices and sales volumes shall be reported by type of wholesale liquid fuel price;~~

- (9) Weekly weighted average retail prices, and sales volumes of No. 2 diesel fuel and No. 2 fuel oil sold, by island, by retail distributor outlets of all classes of retail trade, and by any distributor to other end-users. The commission may purchase retail price data from data service companies that the commission may use to substitute some or all data to meet the reporting requirement for retail price data under this paragraph;

- (10) Weekly weighted average prices and sales volumes for retail sales and wholesale sales, by island, of No. 1 distillate, kerosene, finished aviation gasoline, kerosene-type jet fuel, No. 4 fuel oil, residual fuel oil, and consumer grade propane[-];

- (11) For each distributor that is a refiner, the gross margins or spreads between a refiner's average weighted acquisition price

for each gallon of crude oil and blendstock refined within the state; and the average weighted prices for each gallon or unit of fuel sold, by county or island, to another distributor, retail dealer, end-user, or consumer; and

(12) For each distributor that is not a refiner, the gross margins or spreads between the distributor's average weighted price for each gallon or unit of fuel acquired by the distributor; and the average weighted prices for each gallon or unit of fuel sold, by county or island, to another distributor, retail dealer, end-user, or consumer.

The [commissioner] commission shall prescribe [by rule when the first report shall be submitted.

(b) ~~In addition to the above reporting, each distributor shall file with the commissioner, Federal Form FEO 1000 or an equivalent state form to be prescribed, prepared, and furnished by the commissioner, showing the expected supply of fuel products for the coming month, and their intended distribution as categorized by Form FEO 1000 or the equivalent state form. The state form shall be supplied in the event that the Federal Mandatory Petroleum Allocation Regulations should expire, be revoked, or be amended to delete or substantially change the reporting requirements provided therein.~~

(e) applicable standards and practices for reporting to facilitate uniformity, consistency, and comparability of the data to be submitted.

(b) Each major marketer shall submit to the [commissioner,] commission, at a time and in a form as the [commissioner] commission shall prescribe, information, including petroleum and petroleum product receipts, exchanges, inventories, and distributions. [The commissioner shall prescribe by rule when the first report shall be submitted.

(d) (c) The [commissioner] commission may request additional information as and when [the commissioner] the commission deems necessary to perform [the commissioner's] the commission's responsibilities under this chapter.

(d) Information in the statements filed pursuant to this section shall be collected and maintained for the purpose of facilitating the analysis required by section 486J-5; provided that the commission shall make available to the public the information contained in the statements, but not the statements themselves, as provided in sections 486J-6 and 486J-8."

SECTION 6. Section 486J-4, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-4 Informational reports.** (a) Each major oil producer, refiner, marketer, oil transporter, and oil storer shall submit to the [commissioner,] commission, in [such] a form as the [commissioner] commission shall prescribe, information [which] that includes the following:

- (1) Major oil transporters shall report on petroleum by reporting the capacities of each major transportation system, the amount transported by each system, and inventories thereof. The provision of the information shall not be construed to increase and decrease any authority the [commissioner] commission may otherwise have;
- (2) Major oil storers shall report on storage capacity, inventories, receipts and distributions, and methods of transportation of receipts and distributions;
- (3) Refiners shall report on facility capacity and utilization and method of transportation of refinery receipts and distributions; and

- (4) Major oil marketers shall report on facility capacity and methods of transportation of receipts and distributions.

[The commissioner shall prescribe by rule when the first report shall be submitted.]

(b) The [commissioner] commission may request additional information as and when [the commissioner] the commission deems it necessary to perform [the commissioner's] the commission's responsibilities under this chapter."

SECTION 7. Section 486J-5, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-5 Analysis of information; [audits and inspections]; summary reports.** (a) The [petroleum commissioner,] commission, with the [commissioner's] commission's own staff and other support staff with expertise and experience in, or with, the petroleum industry, shall gather, analyze, and interpret the information submitted to it pursuant to sections 486J-3 [and], 486J-4, and 486J-~~A~~ and other information relating to the supply [and price], prices, margins, and profits of petroleum products, with particular emphasis on motor vehicle fuels, including[, but not limited to,] all of the following:

- (1) The nature, cause, and extent of any petroleum or petroleum [products shortage] product situation or condition affecting supply[;], price, margins, or profits;
- (2) ~~The economic and environmental impacts of any petroleum and petroleum product shortage or condition affecting supply;~~
- (3) ~~Petroleum or petroleum product demand and supply forecasting methodologies utilized by the petroleum industry in Hawaii;~~
- (4) (2) The prices, with particular emphasis on wholesale and retail motor vehicle fuel prices, and any significant changes in prices charged by the petroleum industry for petroleum or petroleum products sold in Hawaii and the reasons for [such] the changes;
- (5) (3) The income, expenses, margins, and profits[;] in Hawaii, both before and after taxes, [of the industry as a whole and of major firms within it, including a comparison with other major industry groups and major firms within them as to profits, return on equity and capital, and price earnings ratio;] of each distributor and the income, expenses, margins, and profits, both before and after taxes, of major oil companies in other regions of the United States and other countries; and

(6) (4) The emerging trends relating to supply, demand, [and conservation of petroleum and petroleum products;

- (7) ~~The nature and extent of efforts of the petroleum industry to expand refinery capacity and to make acquisitions of additional supplies of petroleum and petroleum products; and~~
- (8) ~~The development of a petroleum and petroleum products information system in a manner which will enable the State to take action to meet and mitigate any petroleum or petroleum products shortage or condition affecting supply.~~

(b) ~~The commissioner shall conduct random or periodic audits and inspections of any supplier or suppliers of oil or petroleum products to determine whether they are unnecessarily withholding supplies from the market or are violating applicable policies, laws, or rules. The commissioner may solicit assistance of the department of taxation in any such audit. The commissioner shall cooperate with other state and federal agencies to ensure that any audit or inspection conducted by the commissioner is not duplicative of the data received by any of their audits or inspections which is available to the commissioner.] price, margins, and profits.~~

(e) (b) The ~~commissioner~~ commission shall analyze the ~~impacts~~ effects of state and federal policies, rules, and regulations upon the supply and pricing of petroleum products.

(d) (c) The ~~commissioner~~ commission shall publish annually and submit to the governor and the legislature twenty days prior to the first day of ~~the current~~ each regular legislative session a summary, including any analysis and interpretation of the information submitted to it pursuant to this chapter, and any other activities taken by the ~~commissioner~~ commission, including civil penalties imposed and referrals of violations to the attorney general under section 486J-9. Any person may submit comments in writing regarding the accuracy or sufficiency of the information submitted. ~~At the option of the director, this report may be combined with reporting required by section 196-4(11), in the director's role as state energy resources coordinator.~~"

SECTION 8. Section 486J-6, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-6 Confidential information.** (a) Confidential commercial information ~~presented~~ provided to the ~~commissioner~~ commission pursuant to this chapter that is exempt from public disclosure under section 92F-13(3) shall be held in confidence by the ~~commissioner~~ commission or aggregated to the extent necessary to ~~assure~~ ensure confidentiality as ~~governed~~ required by chapter 92F~~, including its penalty provisions~~."

(b) No data or information submitted to the ~~commissioner~~ commission shall be deemed confidential if the person submitting the information or data has made it public.

(c) Unless otherwise provided by law, with respect to data that the commission obtains or is provided pursuant to [sections] section 486J-3 [and], 486J-4, 486J-5, or 486J-A, neither the ~~commissioner~~ commission nor any employee of the ~~department~~ commission may do any of the following:

- (1) Use the information furnished or obtained [under sections 486J-3 and 486J-4] for any purpose other than the ~~statistical~~ purposes for which it is supplied;
- (2) Make any publication whereby the data furnished by any ~~particular establishment or individual under sections 486J-3 and 486J-4~~ person can be identified; or
- (3) Permit ~~anyone~~ any person other than the commission, the department of taxation, the attorney general, the consumer advocate, the department of business, economic development, and tourism, and the authorized representatives and employees of each to examine the individual reports or statements provided ~~[under sections 486J-3 and 486J-4 other than the public utilities commission, the attorney general, and the consumer advocate, and the authorized representatives and employees of each].~~"

SECTION 9. Section 486J-7, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-7 Confidential information obtained by another state agency.** Any confidential information pertinent to the responsibilities of the ~~commissioner~~ commission specified in this chapter that is obtained by another state agency, including the department of taxation, ~~the public utilities commission~~, the attorney general, and the consumer advocate, shall be available only to the attorney general, the attorney general's authorized representatives, ~~the department of business, economic development, and tourism, and the commissioner~~ commission, and shall be treated in a confidential manner."

SECTION 10. Section 486J-8, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-8 Sharing of information obtained by the ~~commissioner~~ commission.** ~~The commissioner~~ (a) Except as provided in subsections (b) and (c), ~~the commission~~ shall make ~~any~~ any information obtained by the ~~commissioner~~ commission under this chapter, including confidential information, available only to the attorney general, the department of taxation, ~~the public utilities commission~~, the consumer advocate, ~~the department of business, economic development, and tourism, the presiding officers of the legislature, and the authorized representative of each, who shall safeguard the confidentiality of all confidential information received.~~

(b) Notwithstanding any law to the contrary, including any other section of this chapter, no later than fourteen days after the reporting date established by the commission under section 486J-3, the commission shall disclose to the public using the best readily available technology, the information contained in the statements, but not the statements themselves, that are filed pursuant to section 486J-3.

(c) Nothing in this section shall be construed to prohibit the implementation of the petroleum industry monitoring, analysis, and reporting program under section 486J-B or the public disclosure of the analysis of information and reports described in section 486J-5."

SECTION 11. Section 486J-9, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-9 Failure to timely provide information; failure to make and file statements; false statements; penalties; referral to the attorney general.** (a) The ~~petroleum commissioner~~ commission shall notify those persons who have failed to timely provide the information specified in section 486J-3 ~~[or], 486J-4, or 486J-A~~ or requested by the ~~commissioner~~ commission under section 486J-3 ~~[or], 486J-4, or 486J-A~~. If, within five business days after being notified of the failure to provide the specified or requested information, the person fails to supply the specified or requested information, the person shall be subject to a civil penalty of not less than \$50,000 per day nor more than \$100,000 per day for each day the submission of information is refused or delayed~~, unless the person has timely filed objections with the commissioner regarding the information and the commissioner has held a hearing and, following a ruling by the commissioner, the person has properly submitted the issue to a court of competent jurisdiction for review~~."

(b) Any person, or any employee of any person, who wilfully makes any false statement, representation, or certification in any record, report, plan, or other document filed with the ~~commissioner~~ commission shall be subject to a civil penalty not to exceed \$500,000~~;~~ and shall be deemed to have committed an ~~unfair or deceptive act or practice in the conduct of a trade or commerce and] unlawful trade practice~~ subject to the penalties specified in chapter 480: ... "Unfair Petroleum Industry Trade Practices."

(c) The ~~commissioner~~ commission shall refer any matter under ~~this~~ subsection (a) or (b) to the attorney general, who may exercise any appropriate legal or equitable remedies that may be available to the State.

(e) (d) For the purposes of this section, "person" means, in addition to the definition contained in section 486J-1, any responsible corporate officer."

SECTION 12. Section 486J-10, Hawaii Revised Statutes, is amended as follows:

I. By amending subsection (a) to read:

"(a) The ~~commissioner~~ director shall adopt rules in accordance with chapter 91 to require that gasoline sold in the ~~State~~ state for use in motor vehicles ~~contain~~ contains ten per cent ethanol by volume. The amounts of gasoline sold in the ~~State~~ state containing ten per cent ethanol shall be in accordance with rules as the

[~~commissioner~~] director may deem appropriate. The [~~commissioner~~] director may authorize the sale of gasoline that does not meet these requirements as provided in subsection (d)."

2. By amending subsections (d), (e), and (f) to read:

"(d) The [~~commissioner~~] director may authorize the sale of gasoline that does not meet the provisions of this section:

- (1) To the extent that sufficient quantities of competitively-priced ethanol are not available to meet the minimum requirements of this section; or
- (2) In the event of any other circumstances for which the [~~commissioner~~] director determines compliance with this section would cause undue hardship.

(e) Each distributor, [~~at such~~] on reporting dates [~~as~~] established by the [~~commissioner~~] director, [~~may establish,~~] shall file with the [~~commissioner,~~] director, on forms prescribed, prepared, and furnished by the [~~commissioner,~~] director, a certified statement showing:

- (1) The price and amount of ethanol available;
- (2) The amount of ethanol-blended fuel sold by the distributor;
- (3) The amount of non-ethanol-blended gasoline sold by the distributor; and
- (4) Any other information the [~~commissioner~~] director shall require for the purposes of compliance with this section.

(f) Provisions with respect to confidentiality of information shall be the same as provided in section [~~486J-7,~~] 486J-6."

3. By amending subsection (h) to read:

"(h) The [~~commissioner,~~] director, in accordance with chapter 91, shall adopt rules for the administration and enforcement of this section."

SECTION 13. Section 486J-12, Hawaii Revised Statutes, is repealed.

~~["§486J-12 Rules. The commissioner shall adopt, amend, or repeal such rules as [the commissioner] may deem proper to fully effectuate this chapter."]~~

SECTION 14. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2006-2007 to:

- (1) Establish and administer the petroleum industry monitoring, analysis, and reporting program established under chapter 486J, Hawaii Revised Statutes; and
- (2) Establish two full-time staff positions in the public utilities commission to implement and maintain the petroleum industry monitoring, analysis, and reporting program, including the automated petroleum industry information reporting system established by section 486J-B, Hawaii Revised Statutes.

The sum appropriated shall be expended by the public utilities commission for the purposes of this part.

PART II

SECTION 15. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER UNFAIR PETROLEUM INDUSTRY TRADE PRACTICES

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

"Advertising" includes the use of any banner, sign, placard, poster, streamer, card, or any publication in the media.

"Gasoline" means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition internal combustion engines.

"Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"Petroleum product" means gasoline, diesel fuel, liquefied petroleum gas only when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas, pressure appliance fuel, white gasoline, or any motor fuel, or any oil represented as engine lubricant, engine oil, lubricating or motor oil, or any oil used to lubricate transmissions, gears, or axles.

"Sell" or any of its variants means attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.

§ -2 **Misrepresentations.** (a) It is unlawful for any person to make any deceptive, false, or misleading statement by any means whatsoever regarding quality, quantity, performance, price, discount, profit, or savings used in the sale or selling of any petroleum product regulated pursuant to this chapter or chapters 486H and 486J.

(b) The following deceptive, false, or misleading acts or practices committed or permitted by any person offering to sell any petroleum product that is regulated by this chapter or chapters 486H and 486J are also a violation of this section:

- (1) Misrepresenting the brand, grade, quality, or price of a petroleum product;
- (2) Using false or deceptive representations or designations in connection with the pricing, profits, or sale of a petroleum product;
- (3) Advertising petroleum products or services and not selling them as advertised;
- (4) Advertising petroleum products of a designated brand, grade, trademark, or trade name not actually sold or available for sale;
- (5) Making false, deceptive, or misleading statements concerning conditions of sale, price reductions, costs of operations, profits, or failing to disclose business relationships within the petroleum industry that affect the wholesale pricing of petroleum products;
- (6) Representing that the consumer will receive a rebate, discount, or other economic benefit and then failing to give that rebate, discount, or other economic benefit; and
- (7) Forging or falsifying any records or documents required by this chapter or chapter 486H or 486J or knowingly keeping, using, or displaying the false or forged records or documents.

§ -3 **Unlawful profiteering.** Any person who sells petroleum products and who, with intent to enhance the price or restrict the supply of petroleum products:

- (1) Wilfully causes or permits preventable waste in the production, manufacture, storage, or distribution of petroleum products;
- (2) Prevents, limits, lessens, or restricts the manufacture, production, supply, or distribution of petroleum products;
- (3) Enters into any contract, combination, or conspiracy in restraint of trade or commerce;
- (4) Exacts or demands any unjust or unreasonable profit in the sale, exchange, or handling of petroleum products; or
- (5) In any way aids or abets the doing of any act prohibited in paragraphs (1) to (4),

commits an unlawful trade practice.

§ -4 **Penalty.** Any person who violates this chapter shall be fined not more than \$10,000 for each violation or imprisoned for not more than five years, or both.

§ -5 **Injunctions.** Any person who violates this chapter may be enjoined by the circuit court by a mandatory injunction or temporary restraining order necessary or proper to effectuate the purposes of this chapter in a suit brought by the attorney general in the name of the State or by any private person in the person's own name.

§ -6 **Remedies cumulative.** The remedies prescribed in this chapter are cumulative and in addition to any other remedies provided by law."

PART III

SECTION 16. Beginning on the effective date of this part, sections 486H-13, 486H-15, and 486H-16, Hawaii Revised Statutes, and any rules adopted by the public utilities commission pursuant to chapter 91 to implement those sections, shall be suspended indefinitely.

SECTION 17. The governor by proclamation after publication of notice in accordance with section 1-28.5, Hawaii Revised Statutes, may reinstate the maximum pre-tax wholesale gasoline price pursuant to section 486H-13 upon a finding that such reinstatement is beneficial to the economic well-being, health, or safety of the people of the State. In the notice of reinstatement, the governor shall specify the effective date and the period of reinstatement. During the period of reinstatement, the public utilities commission shall calculate and publish the weekly maximum pre-tax wholesale price in accordance with section 486H-13, subject to any adjustments as may be determined by the public utilities commission.

PART IV

SECTION 18. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 19. 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 20. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 21. This Act shall take effect on July 1, 2006; provided that Part III shall take effect upon its approval.

Representative M. Oshiro moved that Floor Amendment No. 6 be adopted, seconded by Representative Finnegan.

Representative Harbin rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I believe I rise in opposition to this amendment. If I may explain, Mr. Speaker, this particular amendment addresses, perhaps, one of the most contentious issues that we have faced in this Legislature - the repeal of the gas cap. This matter had numerous hearings, numerous upon numerous meetings in Conference Committee, and I think many of us, and along with many consumers and many advocates for consumers were present at 3 minutes to 12:00 when this Senate Draft was agreed to by our conferees, which is lead by the Chair of Judiciary and the Chair of Transportation.

"I'd really like to thank them for those amendments, which brings me to the issue of why at this time are we looking to make such radical changes to a measure that I think would have had, or will have, such a great impact to help the people of Hawaii. I was so looking forward today to voting yes on the agreement reached by the conferees. Perhaps maybe if the introducer of the floor amendment would agree to receive a question from me, perhaps maybe it might be more settling for us before we vote on this amendment. Pursuant to Mason's Rule section 114 will the introducer rise for a question of explanation of the amendments?"

The Chair responded, stating:

"Representative Harbin, who are you addressing this question to? Representative Marcus Oshiro, will you yield to a question at this point and time?"

Representative M. Oshiro responded, stating:

"No."

Representative Harbin responded, stating:

"Thank you, Mr. Speaker. Thank you, Representative. It's very unfortunate for the consumers of Hawaii to be deprived of an answer."

The motion that Floor Amendment No. 6 amending H.B. No. 3115, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," be adopted was put to vote by the Chair and carried.

[Note: Floor Amendment No. 6 was adopted on May 2, 2006 at 1:23 p.m. A motion to reconsider the adoption of Floor Amendment No. 6 was made and carried on May 2, 2006 at 2:17 p.m.]

Conf. Com. Rep. No. 25-06 and S.B. No. 2006, SD 3, HD 2, CD 1:

At this time, Representative Kanoho offered Floor Amendment No. 7 amending S.B. No. 2006, SD 3, HD 2, CD 1, as follows:

SECTION 1. Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1, is amended by amending section 1 to read as follows:

"SECTION 1. In recent years, the number of edible opihī found in Hawaii has declined. The popularity of opihī as a delicacy has led to overharvesting on the island of Oahu and has made opihī difficult to find on the neighbor islands.

The blackfoot opihī (*Cellana exarata*), also known as "makaiauli," once the most common limpet in Hawaiian waters, is found in the upper wash of waves. The yellowfoot opihī (*Cellana sandwicensis*), also known as "alinalina," is the preferred species for eating. It is found in the wash of waves, roughly between the habitats of the blackfoot opihī and koele, the third type of edible opihī in Hawaii. Koele is also known as the "kneecap" opihī (*Cellana talcosa*). There

is also a fourth type of opihī (Cellana melanostoma) observed in Kauaʻi that probably also could be found in Niihau.

Although opihī can be collected year-round, opihī shells must be at least one and a quarter inches wide, or the meat must be at least a half-inch wide, to be legally harvested in Hawaii.

The purpose of this Act is to prohibit the sale of all Hawaiian species of edible opihī, subject to an exemption for certain opihī shells used to make jewelry ~~[and for residents of any populated island that is privately owned and has a population of five hundred or less].~~

SECTION 1. Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1, is amended by amending section 2 to read as follows:

"SECTION 2. Section 188-42.5, Hawaii Revised Statutes, is amended to read as follows:

"[H]§188-42.5[H] **Hihiwai, hapawai, opihī, and opae kalaʻole selling prohibited.** It shall be unlawful for any person at any time to sell or offer for sale any hihiwai, hapawai, opihī, ~~[and]~~ or opae kalaʻole taken from any of the waters within the jurisdiction of the State. ~~[; provided that it shall not be unlawful for a resident of any populated island that is privately owned and has a population of five hundred or less to sell or offer for sale any amount of opihī.]~~ It shall be presumed that the taking of more than one-half gallon per person per day of opihī, as measured with its shell on, from any of the waters within the jurisdiction of the State, is for the purpose of selling or offering to sell opihī.

As used in this section, "opihī" means all known Hawaiian opihī species, including Cellana exarata (blackfoot), Cellana sandwicensis (yellowfoot), Cellana talcosa (koele), and Cellana melanostoma.

The prohibition to sell or offer for sale any opihī as provided by this section shall not apply to opihī shells at least one and one-fourth inches in diameter, sold or offered for sale as a curio or jewelry, or as part of a curio or jewelry; provided that the taking of the opihī for these purposes is in compliance with this section."

Representative Kanoho moved that Floor Amendment No. 7 be adopted, seconded by Representative Schatz.

The motion that Floor Amendment No. 7 amending S.B. No. 2006, SD 3, HD 2, CD 1 entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," be adopted was put to vote by the Chair and carried.

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

The House of Representatives reconvened at 1:30 o'clock p.m.

At this time, the Chair announced:

"Members, at this time, we are on page 1. Before proceeding on, let me state for the record that the four floor amendments that we adopted earlier have been clocked with the 48-hour notice. So when these amendments were adopted on the Floor, the 48-hour clock started. So these measures will be addressed on Thursday at the point that it was adopted, sometime around 1:10, 1:15, 1:20 on each of them."

Conf. Com. Rep. No. 1-06 and S.B. No. 2479, HD 1, CD 1:

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

seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm going to vote in favor of this measure, but I still have some serious reservations and I'd like to just mention what those are. They're basically the same concerns that Earthjustice brought up. This bill and I believe it's one other that we'll come to subsequently, address the irrigation systems. This bill will propose an amendment to a provision in the State Constitution and it will provide for a special purpose revenue bond for certain agricultural infrastructure.

"Earthjustice comments that the irrigation systems these bills seeks to support were originally built by plantation interests who assumed that water was their property and ignored the impacts of diversions on public streams, local farmers, and communities. We know that there was a landmark ruling of the Hawaii Supreme Court in 1978 and then the enactment of the State Water Code in 1987. Both made it clear that water is a public trust resource and the State has a responsibility as trustee to protect and restore public streams being diverted.

"My concern is that this State and the Water Commission hasn't yet set up the stream flow standards, so to go ahead and allow business as usual without this stream flow standards being set up could be detrimental to our local farmers, and for those reasons I am concerned about it, and as I will also be about the measure a few pages later. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and 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," passed Final Reading by a vote of 51 ayes.

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

S.B. No. 2479, HD 1, CD 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 serving important agricultural lands.

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 serving important agricultural lands,

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 serving important agricultural lands?"

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.

Conf. Com. Rep. No. 2-06 and S.B. No. 995, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 995, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, in opposition. Mr. Speaker, this is a bad bill. It seeks to perpetuate a status quo – a male dominated Hawaii Supreme Court, and chokes off the infusion of new blood and new ideas into our highest court. Women now comprise almost 50% of the graduates from the William S. Richardson School of Law, but there is only one female Supreme Court Justice.

"With no mandatory retirement age, it will help perpetuate inequality. I also oppose this bill because, while it is true that many persons over the age of 70 are still mentally and physically capable, this is often not the case.

"Mr. Speaker, this Legislature has recognized that very fact during the Session when it passed Senate Bill 2051 just a few days ago, which requires additional testing every two years for commercial driver's licenses over age 72, which this Body obviously believed to be both prudent and constitutional.

"Such is not possible for Supreme Court Justices. There is no biannual testing of their physical condition. No review of their work. We have the highest court in the State and their decisions stand without recourse. It is true that they must be reconfirmed by the Judicial Selection Commission every ten years, but at that age, physical and mental changes often occur very rapidly and ten years is far too long for reassessment.

"Given tremendous responsibilities placed upon these Justices and lack of oversight or recourse, it is only prudent, Mr. Speaker, that the inevitable effects of aging be considered and we take reasonable precautions to preclude the possibility that they are serving with impaired judgment by requiring retirement at age 70. Thank you."

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

"Mr. Speaker, in support. Thank you. Mr. Speaker, I would first like to point out that our United States Supreme Court, the highest court in the land, has no retirement age and up until recently, there were two women Justices serving as long they wanted to. So an age limitation has nothing to do with the number of women who serve in our courts.

"But more importantly, Mr. Speaker, I don't see how forcing a judge to retire at the age of 70 has anything to do with improving the quality of justice in our country or in our State. If you read Article III, Section 1 of the United States Constitution, it states simply, Mr. Speaker, 'that judges shall hold their offices during good behavior.' Plain and simple – nothing else. Which means unless they violate some law, they should not be forced to be removed.

"And it's interesting, Mr. Speaker, to somehow just pick the age of 70 as an age of retirement. We all know people who up until their 90s as judges, are totally cognizant and issue incredible decisions. One of those was Martin Pence. One of the great judges in the federal District Court, and it's sad that he's no longer here to make decisions. And others we know who are in their 50s who I believe in a way, have a diminished mental capacity and I wish they weren't sitting on the court, but they are and that's, plain and simple, the facts.

"But Mr. Speaker, I tried to look back to see how did we get to this point, where at least in the founding of our country and the United States Supreme Court, they didn't put a mandatory retirement age.

You can look to Alexander Hamilton and Federalist Paper number 79 and he quotes, and I want to quote him to you, Mr. Speaker:

The deliberating and comparing faculties generally preserve their strength much beyond that period in men who survive it; and when, in addition to this circumstance, we consider how few there are who outlive the season of intellectual vigor, and how improbable it is that any considerable portion of the bench, whether more or less numerous, should be in such a situation at the same time, we shall be ready to conclude that limitations of this sort have little to recommend them.

"Basically Mr. Speaker, he's stating in Federalist 79, that there should be no retirement age. That people who serve into their older years, serve and rule and issue justice just as well as those who are younger.

"Another thing Mr. Speaker, it's interesting we all received a letter from the Governor regarding this provision, and basically the Governor argued that somehow by us lifting the retirement age, we're going to be impeding the movement of minorities and women in our State judiciary, and that caught my eye. I think it caught many of our eyes because we are concerned. We want to support the noble cause of moving forward against discrimination against women and minorities.

"But I have to say Mr. Speaker, I don't think there's anyone in this Body who would support getting rid of one form of discrimination, in this case age discrimination, to support another. Both are noble and both need to be supported, and the first step is to appoint more women to the bench. We hope that the Governor continues to do that as she goes forward.

"I do want to point out that despite that statement by this Governor, we have currently as our Chief Justice a man of Korean descent. We had a Chief Justice, who I served under as one of his clerks who was of Native Hawaiian and Chinese descent, William S. Richardson. And we had a Japanese Supreme Court Justice. So that in itself is a problem we can point to and I hope we continue to do that.

"In the end, Mr. Speaker, this is much about getting rid of one form of discrimination, plain and simple, and that is age discrimination. So I hope all of us today will support this constitutional amendment and put it up before the voters. Thank you."

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

"Mr. Speaker. I kind of take personal objection. I am very much for this. Thank you. You know, I didn't even start here as a legislator until 82. I am going to leave at 88, but not because I'm too old. Thank you."

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

"Thank you. In support and I'm glad the Legislature doesn't have an age requirement otherwise we wouldn't have the benefit of the knowledge and experience of the Legislator from Puna.

"But I just wanted to state that even if we get rid of the age requirement, it doesn't mean judges don't go through some type of review process. The judges have a ten-year judicial selection retention process. The judges also go through the Judicial Conduct Commission which has routinely requested judges to leave the bench when the Commission felt that the judges were no longer capable of ruling in that capacity.

"The other thing is, if we are concerned about the lack of representation of women, it's not because of what the age requirement has done. If we look at the judges who have been removed by the Judicial Selection Commission in the last few years,

the last five judges have been women, and it's the Judicial Selection Commission that has gotten rid of women judges. So if we want to do something about that, we need to look at what the Judicial Selection Commission has done in the past five years. Thank you."

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

"Thank you, Mr. Speaker. Unfortunately I'm rising in opposition to this measure. I had a very hard time coming to this decision, and the only reason I'm voting against this measure is because I truly feel that we are going through a social change in the State of Hawaii and I really question whether or not, because I think part of being a judge or a justice is to understand what society is asking of its judicial interpretations. And I just feel that many of our judges are perhaps maybe a little out of step. I think an infusion of some of the younger leaders that we have in our State will give them more opportunity to step forward and perhaps maybe change the way we look at things. Thank you."

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

"Mr. Speaker, I'm rising in opposition to this measure. This limit of 70 years was put in our Constitution many, many years ago and I don't think it's ... It was fine for all those years, but now that we have a Republican as a Governor, this bill comes up and I truly feel that this may have something to do wanting to preclude the Governor, should she get elected for the next four years, from being able to appoint people to the Supreme Court. I don't think it's about suddenly not wanting to discriminate against age. There were many, many Democrats before you folks here who thought this was fine, and now it is not fine. And I think that has more to do with this bill than anything else. Thank you, Mr. Speaker."

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

"Mr. Speaker, just a short comment in opposition. And to clear up the perception, maybe what we could do is, what we should have done is, just for sitting judges, not to include them in this bill. They were put on as judges with the retirement age of 70. 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, 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," passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Arakaki, Finnegan, Harbin, Halford, Lee, Meyer, Moses, Pine, Sonson, Stevens, Stonebraker, Takumi and Thielen voting no.

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

S.B. No. 995, SD 1, HD 1, CD 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 upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 3-06 and S.B. No. 2246, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 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," passed Final Reading by a vote of 51 ayes.

S.B. No. 2246, SD 1, HD 2, CD 1, passed Final Reading in the following form:

S.B. No. 2246, SD 1, HD 2, CD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL.

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 upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 51-06 and H.B. No. 1917, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 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," passed Final Reading by a vote of 51 ayes.

H.B. No. 1917, HD 2, SD 2, CD 1, passed Final Reading in the following form:

H.B. No. 1917, HD 2, SD 2, CD 1

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION.

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

SECTION 1. The purpose of this Act is to propose an amendment to the Constitution of the State of Hawaii to establish a salary commission responsible for reviewing and recommending changes to salaries for justices and judges, members of the state legislature, the governor and lieutenant governor, the administrative director of the State, department heads or executive officers of the executive departments, and the deputies or assistants to department heads of the

executive departments, excluding the University of Hawaii and the department of education.

SECTION 2. Article XVI of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SALARY COMMISSION

Section . There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawaii and the department of education. The commission shall also review and make recommendations for the salary of the administrative director of the State or equivalent position and the salary of the governor and the lieutenant governor.

Any salary established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all salaried officers of the State.

Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and then dissolve.

The recommended salaries submitted shall become effective as provided in the recommendation, unless the legislature disapproves the entire recommendation as a whole by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted."

SECTION 3. Article III, section 9, of the Constitution of the State of Hawaii is amended to read as follows:

"[SALARY; ALLOWANCES; COMMISSION ON LEGISLATIVE SALARY] LEGISLATIVE ALLOWANCE

Section 9. The members of the legislature shall receive allowances reasonably related to expenses as provided by law[; and a salary prescribed by the commission on legislative salaries pursuant to this section which shall be payable in installments and at such times as provided by law.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before November 30, 1978, and every eight years thereafter. Not later than the fortieth legislative day of the 1979 regular legislative session and every eight years thereafter, the commission shall submit to the legislature and the governor recommendations for a salary for members of the legislature, and then dissolve. The recommended salary submitted shall become effective as provided in the recommendation unless the legislature disapproves the recommendation by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted or the governor disapproves the recommendation by a message of disapproval transmitted to the legislature prior to such adjournment. Any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted]."

SECTION 4. 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 appointment. If the senate shall reject 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 selection 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] shall 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] Justices and judges shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

SECTION 5. Article V, section 3, of the Constitution of the State of Hawaii is repealed.

"[COMPENSATION; GOVERNOR, LIEUTENANT GOVERNOR

Section 3. The compensation of the governor and of the lieutenant governor shall be as provided by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five

hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of the governor, the lieutenant governor shall receive the compensation for that office."]

SECTION 6. Article XVIII, section 3, of the Constitution of the State of Hawaii is repealed.

["SALARIES OF LEGISLATORS

~~Section 3. Until otherwise provided by law in accordance with Section 9 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year."~~]

SECTION 7. The question to be printed on the ballot shall be as follows:

"Shall the Constitution be amended to provide for a salary commission to review and recommend salaries for justices, judges, state legislators, the governor, the lieutenant governor, the administrative director of the State, state department heads or executive officers of the executive departments, and the deputies or assistants to department heads of the executive departments, excluding the superintendent of education and the president of the University of Hawaii?"

SECTION 8. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 9. This Act shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 12-06 and S.B. No. 427, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 427, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise to speak in support on SB 427, SD1, HD1, CD1. This bill will better protect the children between the ages of 4 and 8 who are too small for the shoulder restraint and too big for infant seats that are involved in motor vehicle accidents.

"As recommended by the National Highway Traffic Safety Administration, National Transportation Safety Board, and American Academy of Pediatrics, children who are between 4 and 8 should be properly secured in booster seats because more than 90% of children who are between 4 and 8 that were seriously injured in motor vehicle incidents were not in booster seats. Cited from the American Academy of Pediatrics, using booster seats instead of only a seat belt reduces risk of injury by 59%.

"In reflective of this important statistic, 28 other states have similar laws requiring children in booster seats, and 20 other states are considering similar legislation this year. Within our own State, Maui County Council passed a Resolution that adopted this measure. In order to make this measure universal across the State and to ensure the safety of our *keiki*, I will be voting in favor of SB 427, SD1, HD1, CD1."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Final Reading by a vote of 50 ayes

to 1 no, with Representative Stonebraker voting no.

Conf. Com. Rep. No. 13-06 and S.B. No. 706, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 706, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Yes, Mr. Speaker. I wish to speak with strong reservations on this measure. Mr. Speaker, I believe a bill like this could affect many families throughout the State that provide a form of liquor because of cultural traditions, to their children. The children could be anywhere between 10 and 19, or 20. And personally being of Latin blood, we've always had a little beer or wine with the dinner, and the family would always offer some to the children. A little glass.

"With the Italian race, having a beverage, a little wine, is part of the meal. And that's the way it is with the Portuguese, and there's other races I'm sure, that have the same kind of tradition. Not all the time, but now and then."

At 1:46 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 1:48 o'clock p.m.

Representative Souki rose, stating:

"Mr. Speaker, I believe we just heard a bill that had to do with mandatory ages of retirement, and I believe I'm a poor example. I was speaking on the wrong bill. My apologies to the Chamber."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 706, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Harbin and Sonson voting no.

Conf. Com. Rep. No. 14-06 and S.B. No. 2667, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2667, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose, stating:

"Thank you, Mr. Speaker. To remain consistent, I've spoken about this bill every time it's come around, which has been many times now. I believe there's a problem with the restrictions on the time that fireworks may be used.

"For instance, it says, New Year's Eve to 1:00 a.m. on New Year's Day. Again I bring up the fact that New Year's Day is a holiday, and you might want to take your children out to do sparklers and such. The day before, not being a holiday, they may be in school and there's no time to do that. But I don't see why you can't go to a park on New Year's Day and use sparklers, or the worms, or whatever. Not necessarily the aerials. The small things.

"Then we look on the Fourth of July. It allows fireworks from 1:00 p.m. to 9:00 p.m. on the Fourth of July. Well every ceremony I go to on the Fourth of July is after sunset on the day of the Fourth of July. It's beginning about 7:00 p.m. and they will go well past 9:00 p.m. So again, I think we're being overly restrictive. This is the day we're celebrating the birthday of our nation. We talk all the time

about our military. How we love them, how we do everything for them, we support them but when it comes to celebrating our own birthday of our nation, we're going to restrict the time that we can do that, artificially. 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. 2667, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15-06 and S.B. No. 2237, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2237, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16-06 and S.B. No. 2021, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2021, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Final Reading by a vote of 51 ayes.

At 1:52 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2479, HD 1, CD 1
 S.B. No. 995, SD 1, HD 1, CD 1
 S.B. No. 2246, SD 1, HD 2, CD 1
 H.B. No. 1917, HD 2, SD 2, CD 1
 S.B. No. 427, SD 1, HD 1, CD 1
 S.B. No. 706, SD 2, HD 2, CD 1
 S.B. No. 2667, SD 2, HD 1, CD 1
 S.B. No. 2237, SD 1, HD 1, CD 1
 S.B. No. 2021, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 17-06 and S.B. No. 1223, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 1223, SD 2, HD 1, CD 1 pass Final 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. Thank you. This increases the fee being charged for returned checks from \$20 to \$30. I just believe that prohibitively hides that raise in the fee and I believe it's going to hurt our young people. During the Committee hearing, the testimony was just not convincing to me that the collectors of this returned check, needed that much of an increase to make their businesses work. So for those reasons, I'm going to vote no on this measure. Thank you."

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

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

"Thank you, Mr. Speaker. In opposition. This particular measure

raises the fee from \$20 to \$30 for dishonored checks. My concern is not only for the young people, but mainly for the people and the families that go from paycheck to paycheck. It's a substantial increase and that can eat away at one's monthly budget. Mr. Speaker, I disagree with that, and I think that \$20 is a good amount and that's why I'm in opposition. Thank you."

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

"Mr. Speaker, I rise in opposition to this measure. I think that this measure is unnecessary for us to vote on. I think these people that bounce checks don't do it on purpose, and I think \$30 is too much of a penalty. 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. 1223, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Final Reading by a vote of 39 ayes to 12 noes, with Representatives Cabanilla, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Sonson, Stevens, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 18-06 and S.B. No. 2244, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2244, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19-06 and S.B. No. 2600, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2600, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20-06 and S.B. No. 3180, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3180, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21-06 and S.B. No. 3254, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3254, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1 as it would ensure the continuation of the licensing of home- and community-based case management agencies.

"Specifically, I support the repeal of the sunset for two

demonstration projects for licensing of home- and community-based case management agencies for Honolulu and the other Neighbor Islands.

"This measure will ensure the continued provision of quality home- and community-based services and care at reasonable costs. Community based case management provides an economical method of management.

"Please support this important bill as the case management system alleviates the state of much supervisory or oversight responsibility. Mr. Speaker, I urge my colleagues to support this important bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3254, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 22-06 and S.B. No. 2430, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2430, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 23-06 and S.B. No. 2227, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2227, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 51 ayes.

At 1:55 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1223, SD 2, HD 1, CD 1
S.B. No. 2244, SD 1, HD 1, CD 1
S.B. No. 2600, SD 1, HD 2, CD 1
S.B. No. 3180, SD 1, HD 2, CD 1
S.B. No. 3254, SD 2, HD 2, CD 1
S.B. No. 2430, SD 2, HD 1, CD 1
S.B. No. 2227, SD 2, HD 2, CD 1

At 1:56 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 2:17 o'clock p.m.

**RECONSIDERATION OF
ACTION TAKEN**

Representative M. Oshiro moved that the House reconsider its action previously taken in adopting Floor Amendment No. 6 to H.B. No. 3115, HD 2, SD 2, CD 1, seconded by Representative Finnegan and carried. (Representatives Berg and Takamine were excused.)

At this time, the Chair announced:

"Presently Members of the House of Representatives, this particular Conference Draft is before this House and before we act on it, it will need a 48-hour notice so that you know what the Conference Draft 1 is all about once more. So we have a 48-hour

notice, which is at 2:17 this afternoon. On Thursday afternoon at 2:17, we will take up this measure."

UNFINISHED BUSINESS

Conf. Com. Rep. No. 24-06 and S.B. No. 2004, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2004, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to Senate Bill 2004. I have spoken against this bill before so I think most of you are somewhat familiar, but it is really of a concern to me that we are here today, not only in the House, but in the Senate. We are going to establish a new monument in the State of Hawaii and that monument will be the sandbar that so many of us in Kaneohe have known and enjoyed for many, many years.

"My concern is that there has not been enough discussion in the broader community. Right now we have monuments on the record. Some of you might wonder how many. Is it 100? Is it 50? Is it 25? No, 6. There are 6 State monuments in the entire State of Hawaii including every island in the chain and today, 76 legislators in the 2 chambers with a minimal amount of information are going to vote on this bill to create a new monument.

"The monuments that are on the record are Iolani Palace, Diamond Head, Kukaniloko Birthstones, the Royal Mausoleum, Puu o Mahuka Heiau and Ulupo Heiau. There are other well-known heiaus that would be deserving of being made a monument.

"The sandbar is underwater probably 22 hours a day, and the history of the sandbar is there are different renditions of why it is an important place. First of all, the question is: What is the name of the sandbar? Some would call it Ahu o Laka, an altar to the Goddess of Hula, Laka. Others long time, many years ago, refer to it as Ahua a Laka. The sand bank of Laka. The Chief, a well-known chief in Koolauloa in many days gone by.

"I think there were three hearings. One in the Senate, there was only one referral. One hearing and then it went to the Floor. And when it went to the Floor, the Committee Report had a very large error in it and this is what the Senators saw on their desks when they considered the vote. It said that there were 15 people who had testified in opposition. I believe it was about 7 that testified in favor, and then there were another 190 that were in favor. Well those 190 were signatures on a petition that were all against the bill, so the Senators in the Senate voted with misinformation when the bill came over to us. There it was, in the Committee Report. I did bring it to the attention of the Chairman of Water, Land and it was shared with the 6 or 7 members that were in the second hearing.

"I had hoped, because the introducer of this bill had also introduced with other members of the Senate, a Resolution, which would make a whole lot more sense than what we're doing here today. The original draft of the Resolution would encourage a more deliberative outcome. It would have allowed for greater community involvement and better understanding of the real issue surrounding the sandbar than this bill.

"The Resolution would have involved a taskforce to ascertain the seriousness of the abuses, and it involved a greater portion of the community including representatives from the interested parties, Native Hawaiians, recreational boaters, and fishers, marine and environmentalist. Additionally the Resolution allowed for experts to be consulted on some of the uncertainties surrounding the sandbar's historical importance.

"One of the testifiers in favor of making the sandbar a monument went through his genealogy and tied himself as a direct descendant of Laka, and there was much discussion."

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

Representative Meyer continued, stating:

"Thank you, Representative. There was much discussion about the stories around Laka the Chief. No one was sure whether Laka died at the sand bank, or Laka just rested there and died in Waiahole and had his son take some of his bones and buried them there. They were not certain. In 1998, someone found a finger bone which they first thought was found at the sandbar, but then it turned out as they described where he found it, it was found on Kapapa Island, which is seaward of the sandbar.

"With all these questions, I still say, why would we, on this Floor along with the Senators, go ahead and pass this bill and make this a monument when there are so many questions that still hang out there?"

"Overall, another great concern of the boating community is what will the regulations be once we elevated the sandbar to a monument, and they have real concerns. You can't go to Diamond Head and have a picnic any time you want. You certainly can't go and have a big party at Iolani Place unless you got a permit. There are just a lot of questions and yet we are just going to steam ahead here and create this brand new monument to sit beside Iolani Palace and Diamond Head. I hope that some of you will think about the actions you're taking here today and consider voting no. Thank you, Mr. Speaker."

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

"Thank you Mr. Speaker, with reservations. The concern I have is similar to the Representative of Laie. Historic preservation is a serious issue and usually many other states use experts who come to the fore with input from the community, but it should never be an issue that divides people. It should be an issue that brings people together. So if there is not enough deliberation and input, then perhaps this measure needs to wait a little longer. So with that I express my deep reservations."

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

"I rise with some reservations. Thank you. My concerns are similar to the previous two speakers and I'd just like to add some nautical perspective. The area there has been dredged, and sandbar shifted and moved. I believe that we probably don't even know exactly where the Laka sandbar actually is or was.

"And I think because the genesis of this bill, as I understand it, were some parties that got carried away out there on the sandbar possibly, I don't think using historic preservation as a tool when perhaps law enforcement might be a better tool to use to control what happens out there. For the few people who perhaps got out of control, we limit the access to many, many people who enjoy this area as a recreational spot. So I just have reservations and I hope that we consider not using historic preservation actions as a tool when maybe law enforcement is a better tool to use. 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Final Reading by a vote of 42 ayes to 8 noes, with Representatives Finnegan, Harbin, Halford, Kahikina, Meyer, Moses, Pine and Thielen voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 26-06 and S.B. No. 2358, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2358, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 27-06 and S.B. No. 2501, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2501, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 28-06 and S.B. No. 3076, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3076, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 29-06 and S.B. No. 2298, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2298, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 30-06 and S.B. No. 3065, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3065, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 2:29 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2004, SD 1, HD 1, CD 1
 S.B. No. 2358, SD 2, HD 2, CD 1
 S.B. No. 2501, SD 1, HD 1, CD 1
 S.B. No. 3076, SD 1, HD 1, CD 1
 S.B. No. 2298, SD 1, HD 1, CD 1
 S.B. No. 3065, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 31-06 and S.B. No. 743, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 743, SD 2, HD 2, CD 1, entitled: "A BILL

FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 32-06 and S.B. No. 826, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 826, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 33-06 and S.B. No. 2162, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2162, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Senate Bill 2162, Conference Committee Report 33-06, I rise in opposition. And I know that I stated this before and so pardon me Members, I'll repeat it again. I believe that children, in terms of car insurance, I think it's a privilege and not a right. I'm still disturbed that in this bill that we're requiring foster parents to pay for car insurance. Thank you."

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

Representative Meyer's written remarks are as follows:

"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. The rest of the bill is fine."

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

"Mr. Speaker, in strong support. I just briefly wanted to say this is something again, that the foster youth have really pushed hard for, as well as their advocates. I would also like to submit written comments in support."

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

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

"Mr. Speaker, I'm in support of this measure. Mr. Speaker, we heard testimony on this and how great a need it is for the foster children to be able to drive. These are special kids with special needs, and a lot of times they need to be able to get where they have to go.

"They are already handicapped pretty much and the testimony points out that if they don't get this drivers' license privilege, there's no one that can help them aside from DHS. DHS is authorized to do this.

"And as far as the concern of the Representative regarding who's going to pay for it, it's only if they are able to. If they're not able to do it, there's a provision in this bill that under 587, they will be able to be subsidized. We already subsidize welfare recipients through 431.

"So I think that the good that will come about is really understated in this bill, but if the Representatives will trust the testimonies that were presented, it is something that foster kids and the foster parents actually support."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Cabanilla, Evans and Finnegan voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 34-06 and S.B. No. 2188, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2188, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

ordered."

Representative Cabanilla's written remarks are as follows:

"I rise in support of this measure, Mr. Speaker.

"Having the Director of Public Safety serve on the Commission of Fatherhood will bring a perspective to the Commission that relates to the criminal justice system.

"We have a war going on with graffiti in our State and statistics reflect that the average age of the offender is between the ages of fourteen to sixteen. This type of community blight needs to be discouraged and the Director of Public Safety may have a positive impact on deterring youth from this activity.

"The link in which to accomplish this would be to replace the Director of the Office of Children and Youth as a member of the Commission on Fatherhood with the Director of Public Safety.

"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. 2188, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 35-06 and S.B. No. 2327, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2327, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 36-06 and S.B. No. 2328, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2328, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 37-06 and S.B. No. 2248, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2248, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 2:32 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 743, SD 2, HD 2, CD 1
 S.B. No. 826, HD 2, CD 1
 S.B. No. 2162, SD 2, HD 1, CD 1
 S.B. No. 2188, SD 1, HD 2, CD 1
 S.B. No. 2327, SD 2, HD 1, CD 1
 S.B. No. 2328, SD 2, HD 2, CD 1

S.B. No. 2248, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 38-06 and S.B. No. 2360, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2360, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 39-06 and S.B. No. 2485, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2485, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm in favor, but with reservations for the same reasons noted on Conference Committee Report number 1-06, and these are the same concerns expressed by Earthjustice."

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

"Mr. Speaker. In support, but with reservations for the same reasons that the previous speaker gave."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 40-06 and S.B. No. 2487, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2487, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support, but I would like to enter some very strong comments and encouragements. The HCDA has created quite a stir here at the Legislature, and I think this Legislature has responded to the call of the community that was very much impacted by various decisions relating to Kakaako Makai.

"I feel that expanding the membership of the Authority Board may perhaps not be the correct mechanism to keep the Authority in control. But with that being said, the fact that we are now looking at this measure, it is my hope, and it was my hope, that it would reflect in the Committee Report, but as it is not, I would like to reflect it in the Journal that as very much a strong citizen activist in that area, that the Speaker of the House and the President will now have the ability to appoint to a list to send to the Governor, two new members to the Authority. Please look to the community for that list. Don't let these appointments become political. Make them the voice of the people.

"There's an active working group being developed at the HCDA. Look to those people for guidance on who should be sitting on the Authority from here forward so that we don't get into another mess as we have seen in Kakaako Makai where we had to take some very

radical rules, sweeping moves to accomplish what the community has asked for.

"So with that being said, let's pass this out and let's hope that the appointment from the Senate and the House will really help bring the people to the Authority. Thank you."

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

"Mr. Speaker, I'm rising in opposition to this bill. I know that the people that have come here to testify on the Kakaako issue, what they really want is representation by community members. And the whole problem with this bill is there is no guarantee whatsoever that that will happen.

"This bill is like many we have seen in the last two years. It changes how people are selected and it limits the Governor's choice of people that she can appoint by making it exclusive to the list that are provided to her by Senate President and yourself. There is no language in this bill, which says that these folks should be community members within a radius or anything. People were appointed from Kalaeloa, they were from Kalaeloa. But there's nothing that guarantees that in this bill, and for that reason I think this is just sort of a sham and gives hope to people when it doesn't represent a hopeful move. 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. 2487, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Marumoto and Meyer voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 41-06 and S.B. No. 2909, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Marumoto voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 42-06 and S.B. No. 3262, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3262, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, in strong support. Mr. Speaker, I'm proud to say the Legislature is about to pass one of the most sweeping protections in public health for Hawaii and Hawaii's citizens. I especially think that this is going to benefit our children and our future. I just want to read an excerpt from two testimonies that illustrate that.

"One is from a Matthew James Hanley, who's a junior at Kapaa High School and he says, and I quote:

I personally come from a family where a majority of the people smoke cigarettes. I'm exposed to smoke on a daily basis, whether I'm with my dad, cousins, grandparents, or aunts and uncles. So I know how it feels to be exposed to secondhand smoke. It is not a very nice experience.

I can feel the smoke get into my lungs which causes me to breathe heavily. As an athlete, it is hindering. It stings to have chemicals from cigarettes in my lungs, especially when I'm not the person who put them there. I personally choose to make myself scarce when my family members are smoking, but people don't have that choice at work.

"Also from Arnessa Iranon from Hilo and I quote:

My parents both smoked and did not think twice about the harmful effects of second hand smoke. They did not know smoking in the house and in the car would affect our lungs and expose us to increased risk of a heart attack. That it causes respiratory illnesses. I suffer bronchitis all my childbearing years and my sister still suffers from asthma. Today science demands that we strengthen our statewide law to protect our most vulnerable citizens, workers and children.

We know second-hand smoke causes cancer and all types of illnesses and disorders. I'm writing because we need to educate and protect the children from a known health hazard.

"And that's from Arnessa Iranon from Hilo, Hawaii. I think these are the sentiments of people from across the State and I know that they're saying thank you to all of us for providing them with this protection. Even though it doesn't cover our children in our homes, I hope that they also get the message to protect their children who live in the home or the car or anyone else to not smoke in their presence. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in opposition. This is a very difficult one, obviously following the speech from the previous speaker because in fact I do believe that smoke affects people who has asthma. I do think from a person like myself that's been around smokers, I don't like the smell. Personally, I don't have bronchitis or problems breathing because of smoke, but I don't like how my clothes smell and my eyes water and whatever. I don't like that either.

"But the reason I oppose this bill is because if people really read it, again like I said on Third Reading and when I opposed it then, is there is nothing in the bill that gives people who do smoke the ability to go to a place, away from everybody else and actually smoke. So if you really look at this, it says there is no smoking in airports, at public transportation facilities, at stadiums, at bars, at bowling alleys, at conventional centers, at hotels and motels, except there is a certain percentage of rooms, lobbies, hallways, common areas, night clubs, restaurants, retail stores, service line, shopping malls.

"I mean we're saying that we can't even designate a place for people to go smoke. So what is this bill really doing? It is forcing them out on the sidewalks. What's going to happen next year is we're going to come back and people are going to say, we find it disgusting that we walk down the street, people are smoking and we have to pass them on the sidewalk.

"So what we're doing is we're pushing people out and making them get more in our face, and I think with the intent that maybe what we're really headed for in this Body is to try to eliminate smoking all together in this State. I've heard it before from other speakers that that's what they'd really like to do. But I want to say to this Body, you want to talk about health, then why do we allow children to have a soda pop, which has caffeine, which is addictive. Caffeine is addictive. So why do we allow caffeine and sugar for our children? Because that affects their health, their teeth and they may have diabetes and problems at a young age.

"This is a very complicated issue. I don't like smoking in public places, but to not give people places, to treat people decent, and give them an area for designated smoking, I think is just gone way too far.

Thank you."

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

"In support. Just a correction. The most sweeping antismoking ordinance ever passed was in the County of Hawaii, 21 years ago. And we were way ahead of the rest of the State."

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

"Thank you, Mr. Speaker. In strong support. I just wanted to say that tobacco is a known killer of our citizens. It's the biggest problem we've got from a healthcare standpoint and anything that we can do to prevent secondhand smoke or primary smoking is going to be in the best interest of the people.

"They elected us to help protect their health and well-being, their economy, all sorts of things. But first and foremost, we need to look after the lives of our citizens so that's what we're doing.

"As to caffeine and sugar, its not causing cancer, its not killing children, it's not killing the adults. We really have to focus on, yes, decreasing tobacco in any way, shape or form. I do recognize the concerns about displacing people, but we also have to look at the concerns of the people that didn't have rights, that were having their own rights violated to breathe clean air if they were sitting next to someone smoking. So it's our job to protect the people's health and we're doing it. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. I don't smoke. I don't like to smoke. I quit smoking. We can get that all out of way. I'm not talking about pro-smoking. What I'm talking about is hypocrisy. If it's so bad why do we still allow it in public residences? Why do we allow it in hotel and motel rooms that are rented to guests and are designated as smoking rooms. When we talked about this earlier, I said why don't we allow some bars or nightclubs that want to have smoking areas if the employees all agreed. Well that was no good, but we're going to allow it in hotel and motel rooms.

"What about retail tobacco stores? We're going to kill off the tobacco merchants I suppose. That's why we're allowing it there. How about private and semiprivate rooms in nursing homes and long term care facilities that are occupied by one or more persons? Boy, that's hypocritical. How about outdoor areas of places of employment? That's okay. All areas covered by this Chapter when smoking is a part of their production being filmed. So we don't care about our actors or filmmakers are being murdered, I suppose, is the term everybody is using here, by secondhand smoke.

"We also exclude State correctional facilities so our prisoners can smoke and our ACOs can be subjected to the smoke or smoke themselves. That's okay. Probably also our visitors will pass another bill that says we cannot restrict visitors from going into the correctional facilities so they can go in there when they're smoking too. That's all right.

"So why are we talking about everybody we're trying to protect but we're not protecting all these vast amounts of our society? I think this is a feel good bill. If we really want to stop smoking, ban it. But we can't ban it because we have another bill later on where we're taxing cigarettes to pay for medical care and cancer research. So we don't want to ban it, we want to collect off it and we want to feel good about saying we passed these smoking prohibition bills. Thank you."

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

"I rise in support. Mr. Speaker, this measure will greatly improve the health of everyone in Hawaii who is currently forced to endure secondhand smoke from tobacco users. Beyond the well-known deleterious health effects attached to smokers personally, numerous cancers and a myriad of other serious health problems can result from, and are exacerbated by, exposure to secondhand smoke. And much of the cost of healthcare is directed to afflictions caused by smoke.

"Members of the public who do not choose to smoke are subjected to the risk whenever smokers are present. The various counties have a hodgepodge of regulations on smoking in public places, but this bill will set a consistent and comprehensive standard for protecting the health of residents and visitors alike.

"As noted by the National Cancer Institute and contrary to many of arguments made by those who oppose the measure, there is a firmly established link between secondhand smoke and illness. Furthermore there is no right to smoke in a public place. Just because a product, cigarettes, are not illegal it does not automatically follow that it is improper to regulate where it may be consumed. Compare this to alcohol another legal substance, which may not be consumed openly in public.

"Mr. Speaker, this bill is not new, it is the product of more than 10 years of hard work by people like the American Cancer Society, the Hearth Association, the Coalition for a Tobacco Free Hawaii and by many members of this Body, especially including Representative Arakaki, Representative Mark Takai, Representative Cynthia Thielen, who stood on the Floor of this House time after time and recited the same thing I'm reciting. So I once again urge my colleagues to support this measure. It is certainly the most important health goal of this Session. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in strong support. Thank you. Mr. Speaker, the bill comes too late for my son, Dave, who developed throat cancer. When Dave was growing up in Hawaii, there was no restriction on smoking and it was everywhere. In the schools, everywhere. Fortunately he is in remission, but this bill does come in time for the other youngsters that are growing up that aren't going to have to be subjected to secondhand smoke.

"Yes, it's a 'feel good' bill. It is a 'feel good' bill because those parents of those youngsters are going to feel good that they don't have to watch one of their children ravaged by the disease of cancer. Thank you."

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

Representative Caldwell's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this bill. This legislation is historic. The State of Hawaii is again leading on health advocacy. I will keep my comments brief, but I want to point out why I believe this is such vital legislation.

"On a personal level, I am really pleased to see that this bill is moving. My father was a life-time smoker and died of cancer. He always smoked in front of my siblings and I. He smoked up until the day he could no longer hold the cigarette himself. Smoking is bad, bad, bad ...

"As we all know, second hand smoke exposure can be just as detrimental to one's health as smoking itself. In addition to being linked with various forms of cancer, secondhand smoke is also associated with non-cancerous conditions, some of which include: stroke; severe and chronic heart disease; asthma, especially in children; and diabetes.

"Eliminating smoking in places such as public facilities, businesses, and restaurants will not only remove exposure to second hand smoke, but it will create a smoke-free and "health positive" environment. This will not only support and encourage smokers who have long-considered quitting, but it will change the 'normal' environment that our children grow up in.

"There was a time when it was 'normal' for us to see people throwing trash out of their windows. Policy changed that norm for the better. Our State has been consistently named in the top 5 of the nation's healthiest states in the annual America's health rankings. This past December, Hawaii was ranked number 5 by the United Health Foundation, the American Public Health Association, and the Partnership For Prevention. Let us live up to our 'Health State' motto.

"Smoking is an individual right, but this bill takes the serious and necessary steps of ensuring that smokers do not harm others in exercising their individual rights. SB 3262 is an opportunity for us to do something about the quality of our air and ensure that a 'health positive' environment is proactively cultivated here in Hawaii for us and our children."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Evans, Moses and Nakasone voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 43-06 and S.B. No. 3192, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 44-06 and S.B. No. 3105, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 2:50 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2360, SD 2, HD 1, CD 1
 S.B. No. 2485, SD 2, HD 2, CD 1
 S.B. No. 2487, HD 1, CD 1
 S.B. No. 2909, SD 1, HD 2, CD 1
 S.B. No. 3262, SD 1, HD 1, CD 1
 S.B. No. 3192, SD 1, HD 2, CD 1
 S.B. No. 3105, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 45-06 and S.B. No. 3185, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3185, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you. Mr. Speaker, I'm rising to vote in support but with reservations on Conference Committee Report 45, Relating to Energy. Mr. Speaker, we started off this Session with a real vision of energy reform for our State. Knowing that we are a state blessed with the most natural resources in all of the United States, we're looking at moving ahead aggressively a vision to move us toward a renewable energy present day. Not future, but present day. I don't think we've gotten there, Mr. Speaker. I think we maybe stumbled a bit on the road to doing this.

"One of the things that I felt was at the heart of moving us ahead was the Energy Cost Adjustment Clause. Let me just explain for the members that ECAC or Energy Cost Adjustment Clause is where Hawaiian Electric can pass through to the consumer 100% of the cost of the increase in the price of fossil fuel that Hawaiian Electric or Maui Electric or the other Neighbor Island utilities use to power homes and offices.

"So when the cost of fuel goes up, fossil fuel goes up, when they have to import it and pay more for it, no big deal. Then the utilities just sort of can look at it and go, 'Tough.' They pass that 100% on to the consumer. Well, as I said before on the island of Maui that means that 50% of those utility bills for the resident are due to the cost of fossil fuel. On our island it's about one-third, so if you take your utility bill, tear off one-third of the bill. Then if we weren't having to pay for the increase of the cost of fossil fuel, we would be paying a lot less on our utility bills.

"Mr. Speaker, the one thing that would bring Hawaiian Electric to the table and make them change their fossil fuel habits, their addiction to fossil fuel is if we mandated change in the ECAC, mandate it. Now what this bill does, the present bill that we have before us is that it says that the ECAC, if a utility requests an adjustment in its ECAC then the Public Utilities Commission can do certain things. The public utility would be required to have an incentive to reasonably manage or lower its fuel costs, and it would be encouraged for the greater use of renewable energy. I mean in law these are sort of fuzzy words. You can really move your way around them. They are not a mandate.

"We should have and could have said that by December 31, 2007, to share the risks of the reliance on oil fire generation, the Public Utilities Commission "shall", that's a mandate, "shall" determine whether the fuel adjustment clause should be eliminated, or the Commission shall establish ratemaking provisions that amend the fuel adjustment clause to share oil cost increases and decreases between the utility shareholders and the utility customers.

"Let me just digress on that. In other words the utility has shareholders. When it passes through the 100% of the increase in fossil fuel cost to the consumers, the shareholders benefit. So what we should have done and could have done is said, 'Hey shareholders, you are going to have to share the risk with the consumers,' and we should have done this as a mandate.

"Now I know that others are going to stand up and say we couldn't have gotten such a bill through. I know that there are problems on the Senate side, that we have a big stumbling block over there, but we still should have taken the leadership in this Chamber."

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

Representative Thielen continued, stating:

"Thank you so much, Representative. We still should have taken the leadership in this Chamber, Mr. Speaker. We could have said, if the Public Utilities Commission determines that the fuel adjustment clause shall not be eliminated for whatever reason, the PUC would decide that it shall be amended. Now those are mandates that we

could have sent forward from this Chamber.

"This is the vision, Mr. Speaker. This is the vision of a renewable future. Now when this would happen if we had mandated changes to the ECAC, what happens to Hawaiian Electric? All of a sudden they go, 'Oh, all right. We no longer can just throw off all of our costs of increase cost in oil. We're going to have to be serious about looking for renewable energy,' and then they can stop just dancing around this stage with all of these different 'outs' that they have. They would have had to aggressively at that point look for renewable energy projects. They would have had to go into funding situations where they would cooperate with renewable energy products like it's being done all over Europe. It's being done on Rhode Island, but not being done in Hawaii because we let Hawaiian Electric have the 'outs', and what does that mean? 77% reliance on fossil fuel, and no other state in the nation is that heavily addicted to fossil fuel. The next closest is Florida with something like 17%.

"So Mr. Speaker, we could have been much more forward-sighted. We could have been more determined that we're going to change things now, not wait for the future, but we didn't do that. So those are my reservations on this, Mr. Speaker.

"There are some other energy bills we're going to be addressing, and I have very similar reservations on that. But the ECAC is the key to the whole thing, and without saying to Hawaiian Electric, 'You're going to have to cost share; we'll not let you off the hook anymore.' Without doing that, they're not going to go ahead with the renewables. And then the worst thing of all Mr. Speaker, they're before the Public Utilities Commission now asking to build another fossil-fuel-powered plant in the year 2009.

"If that happens, we've lost. The consumers have lost. And the only way we can stop their fossil fuel addiction at the cost to our consumers, the only way we can do that is to take definite leadership steps. Giving mandates, without any 'outs'. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. I just wanted to point out to the members on page 17 of this bill, it lays out the fuel adjustment rate policy by this Body and it is a mandate. It says, 'Any automatic fuel adjustment clause requested by a public utility in an application filed with the commission shall be designed, as determined in the commission's discretion to: (1) fairly share the risk of fuel cost charges between the public utilities and its customers; (2) provide the public utility with sufficient incentive to reasonably manage or lower its fuel cost and encourage greater use of renewable energy.'

"The debate regarding the fuel adjustment charge rightfully belongs in the Public Utility Commission's arena. The best way to deal with a change in behavior regarding the utilities is to set the appropriate incentives and rate structure to incentivize their behavior towards less risk regarding fuel cost and the building of more renewable energy, using more renewable energy sources. So I believe that we did state a mandate for the public utilities in the policy that we laid out. Thank you."

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

"Thank you, Mr. Speaker. In support. And I think the previous speaker did a great job in developing our energy package this year. I do get a little tired of hearing the comparison of other states. We don't have the Tennessee Valley Authority providing power for many states. Our dams fall apart, so I'm glad we don't rely on hydro too much. We don't have natural gas. Perhaps the Representative from the other side suggests we should have nuclear power. That's another one that is not fossil fuel.

"So I think there are a whole lot of reasons that we have been

dependent on oil. We could let geothermal supply the rest of the State. I remember I was in the Senate when we permitted geothermal and the suggestion that we transport that power between islands was roundly defeated. I think that the Chair of EEP has done an excellent job of developing our energy plan for this year. 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. With reservations.

"I agree with the Sierra Club that it is crucial that an increasing percentage of our electricity come from clean, indigenous resources. We live in an era of human-induced climate change. The year 2005 was the hottest since modern recording began. Climate change threatens Hawaii in profound ways, urging us to provide global solutions to stopping the trend.

"It's imperative to improve Hawaii's Renewable Portfolio Standards law. I believe we must create an accurate definition of 'renewable energy' that includes displacement technologies in renewable electric energy and defines renewable energy."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 46-06 and S.B. No. 2339, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2339, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 47-06 and S.B. No. 2323, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 48-06 and S.B. No. 2941, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 49-06 and S.B. No. 2260, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee

be adopted and that S.B. No. 2260, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with strong reservations on this measure. Thank you. There are great many people in my district who believe that this measure will help them feel more secure and so I feel obliged to represent their voice. However, the conflict that I have and why I'm rising with reservations is that this bill provides for a sentence of 30 years or life in prison for what's called habitual violent felons, but which may actually be applied to someone with just three felony convictions apparently including convictions for offenses committed as juveniles.

"What disturbs me is this bill will remove the discretion of judges to be able to take into account unique or unusual mitigating circumstances when sentencing and it is a move, which has elsewhere lead to gross injustices.

"One would think that hearing the debate on this particular bill that our crime rate is soaring and the opposite really is true. So I'm very conflicted by this because according to the most recent annual statistics released by the Attorney General in December 2005, the violent crime rate fell 12.8% over the past decade, while the overall crime rate was down 30.4% in the same period. In 2001, Hawaii's violent crime rate ranked 44th lowest among the 50 states.

"So even if we did have more of a violent crime problem, there's no evidence really that such extended sentences have any impact on future crimes. And Hawaii already has laws providing extended sentences for certain violent or repeat offenders. So I would hope that the deeper question in the next Session will be addressed and I believe that is how do we create systems and processes, outcomes and relationships, that will enable all of us to feel more secure and not just address the crime issue as the one solution. Thank you."

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

"Thank you very much, Mr. Speaker. I rise in opposition to this measure. There's no doubt that the community is alarmed about crime and with good reason. Our crime is relatively high compared to other nations in the world. There's no doubt that many of our residents feel like prisoners in their own home and worried about whether or not they're going to end up being a statistic.

"The question, Mr. Speaker, is: What do we do about it? The problem with this bill is that to avoid being accused of being soft on crime, we go soft in the head. Let me state briefly some of the conceptual specific reasons why this measure falls short of its intent.

"First, it doesn't work. California is always cited as a reason why we should do this. Let's look at the facts. New York during the 1990s, this is a period that California is always cited, that they had a dramatic decrease in crime. New York experienced a greater decrease in crime without this type of law.

"Furthermore, the California County Prosecutors have discretion whether or not to count a felony as a strike or not. Counties that aggressively enforced the law had no greater declines in crime than did counties that used it far more sparingly. And by the way Mr. Speaker, this measure does not allow county Prosecutors any discretion at all.

"Secondly, it's not new. Circuit judges in our State do have the ability to invoke enhanced sentencing that can impose stiffer sentences for repeat offenders. Are we saying this hasn't worked? I don't know, but it seems to be the inference.

"So who would be caught in this three strikes law? It will be people like James Allen in California who was convicted of petty

theft in 1998, walked into a drug store and stole hair oil worth \$2.74. And while Mr. Allen was trying to run away, the security guard caught up with him. Mr. Allen threw a couple of punches that missed, but that elevated that crime from theft to robbery. Combined with his previous two convictions for burglary, he is currently serving 35 years in the California penal system. Mr. Speaker, I firmly believe that if you do the crime, you do the time. But the time has to fit the crime.

"Third, it takes away the discretion of judges in the paroling authority to weigh each case on its merits. We will end up with a one-size fits all approach to criminal justice.

"Fourth, it ignores the existence of racism and classism in our society. And do we really believe the criminal justice system operates completely without bias as to the defendant's race? Look at California where African-Americans, while comprising 7% of the population, make up 44% of the inmates under the three strikes law. Look at Hawaii, where the Native Hawaiians are less than 10% of the population, but 34% of the inmate population. Do you really believe that the quality of legal representation in this country is equal irrespective of your ability to pay? I guarantee that the executives of Enron currently on trial are not being defended by an overworked, underpaid public defender.

"Fifth, the financial cost. The Lingle-Aiona Administration has asserted that they've been trying to push this through for the past three years. If so, why hasn't a study been done as we do on many other issues to show the potential impact, cost, and effectiveness of such a law? The measure assumes that there is no long-term cost relative to the short-term benefit.

"For example, how much of a threat to society is that 65 year old prisoner who committed a burglary 25 years ago? Less than 1% of violent crimes are committed by those over 60 years of age. What will be the eventual cost of the geriatric long-term care facility beyond bars? It will cost three times more to house an elderly offender."

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

Representative Takumi continued, stating:

"Thank you very much, Representative. Sixth, and this is very troubling about this bill is the abrogation of states' rights. This measure counts as a strike, any felony conviction from any other state or the federal courts. This is basically the biggest conclusion that every conviction is valid and that we accept it on its face. This is why Louisiana modified their law so that any conviction outside the State does not automatically trigger the three strikes law.

"Let's take a hypothetical example, Mr. Speaker. An all-white jury convicts an African-American male of two felonies, 20 years ago in Mississippi. He moves to Hawaii and is convicted of burglary. How certain are we that the prior convictions were warranted and were free from bias? How does his attorney secure the records and transcripts of that long ago trial? More importantly why would we rely upon the criminal justice system of Mississippi to dictate what we should do in our State?

"Seventh, there is no provision for a mandatory release in this bill. Currently the Paroling Authority has the ability to release a long-term prisoner who's suffering from say, terminal cancer even though the term has not been served. This bill does not allow that to such a prisoner who poses no threat to society, cannot be released, ostensibly to show that we are tough on crime.

"Mr. Speaker, it's not about being tough on crime. It's about being smart on crime. We know that the typical offenders in our prisons are disproportionately males, Native Hawaiian, poor, unemployed, uneducated, and substance abusers. This by no means excuses the crimes that they committed, but it gives us an insight that explains

why so many are in prison. It compels us to realize that unless we get at the root causes of crime there is no solution in sight except building more and more prisons. As it is, we already imprison over a million people in this country, a rate far higher than any industrialized nation in the world.

"There should be experimental programs like the BEST program in Maui for using models like the Delancey Street Program in San Francisco that after staying an average of 4 years, not 30 years as this bill requires, 4 years, in an institutional setting, over 14,000 former felons and substance abusers are now successful tax paying citizens. Instead of 1.2 million tax dollars per prisoner for 30 years, they have done it at no cost to the taxpayer.

"Let me close with an exquisite irony, Mr. Speaker. Do we want to end up like California, once the envy of the nation for their higher education system, but now spends more on their prisons than they do on their universities and colleges? Instead of funding a schoolhouse, we end up funding a jailhouse. And the more we put into our prison system, the less we fund our schools, and therefore end up having to fund even more prisons. The measure before us merely move us further down this path, but it does little to move us to more effective ways of protecting the community. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. Yes, Mr. Speaker, this measure does reinforce the message that Hawaii is tough on crime and I think it's about time. We all know that a very small percentage of offenders commit the majority of crimes over and over again. I support rehabilitation programs and training programs and I co-sponsored a measure this Session which unfortunately didn't go through. But we should take care of the people that are incarcerated, try to get them off their problems and out of that way of life that they're in now.

"However, the speaker from Pearl City mentioned several cases and I'm thinking, yes, but those people were convicted. Yes, they were convicted more than once, and yet they went out and they did it again. It's not like this is first time and you're slapped away for 30 years. This measure requires three separate convictions, each one for a violent felony. That's not simple shoplifting. So these people would be affected have done this, have been caught, have been convicted by their peers, by a jury. They've done it again, and then they've done it again.

"Maybe some people never learn. Maybe it's partly our problem that we don't have the programs to help them learn and to rehabilitate them, but there comes a point when you have to protect the rest of the citizens. The vast majority of law-abiding citizens that are out there. These are people that have broken into homes, they've raped, they've killed, they've beat up. They're not simple shoplifters, Mr. Speaker. People have to understand that. It's different from the three strikes law in California. These are violent felons, repeat violent felons.

"Mr. Speaker, there has been experience in other states that have adopted this type of law and it has shown good results. Locking away the worst of the career criminals will reduce the number of violent crimes in our State. It's not turning our back on these people. Not the first time, the second time, third time. I have to keep repeating this. It's third time convictions for violent felonies. This is a measure, Mr. Speaker, we Republicans have supported for some years now. In fact, ever since I've been in this Legislature for ten years and I'm sure it was long before that. So I'm very, very glad that today we're passing this legislation out. It will give our law enforcement the needed tools to keep our streets safer.

"I got to say again, our Representative from Pearl City talked about Mr. Allen. Well I'm very, very happy that Mr. Allen is in jail now and maybe he won't attack my relatives that live in California. I'm very, very happy for him. We know where he is and I hope he stays

there, because he was caught stealing again. Not the first time. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in opposition on this matter for now. I'm in opposition because I think this bill is premature. There's a lot of prerequisite work that we need to do before passing this bill. I had to introduce a bill to build prisons in this Session, but that measure didn't even get a hearing.

"Our prisons are full now. By passing this bill and increasing more prisoners is just a feel-good measure. Until we build more prisons, we cannot pass this bill. Until we can accept there's a prison house in our own backyard, we cannot pass this bill. Until we as a group are able and willing to generate more funds so we can outsource our prisoners, we cannot pass this bill.

"Furthermore, Mr. Speaker, we added burglary in this violent crime. I do believe burglary is a crime and they should pay time in jail. However, I as a taxpayer am not willing to pay for their incarceration for the next 30 years.

"So in conclusion, Mr. Speaker, I think that we need to recommit this measure and build the proper infrastructure so we can talk the talk in this House. Thank you so much."

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

"Mr. Speaker, I strongly oppose this bill. Mr. Speaker, as a Democrat and a resident of Hawaii I feel relatively ashamed at this point that we're looking at a measure like this here.

"We led the nation in good legislation in abortion, and in women's rights. Years ago we took away capital punishment where those who were hanged were the minority, the Japanese, and the Hawaiians. They were the ones that were hanged. And we finally had the good sense to get rid of capital punishment, and now we have this 'three strikes and you're out.'

"How far have we regressed all these years? When we look at a bill like this that would put people in jail for their life. When we already have sentences that can double and triple what one can live, but I guess we need the perception that we're hard on crime, and that's all it is. Because I know in your heart, you know that this is a bad bill, but you still vote for it and this is what makes me ashamed. That you call yourself progressive, whatever Party you are.

"Mr. Speaker, the speaker from Pearl City was very eloquent and articulate in expressing his feelings and his concerns, and Mr. Speaker, I wish to adopt his remarks as my own.

"And Mr. Speaker, I'm hopeful that the articulate remarks, the actual remarks that were made by the speaker from Pearl City, would hopefully change your mind. I don't believe a vote with reservations will help in this measure here. If we want to continue to be the progressive State that we are, we will vote this bill down. There's only one way to vote Members, and that is to vote down. Thank you very much."

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. I wasn't planning to speak today because I didn't think there would be so much opposition. We heard about a fellow Allen from the mainland. Well I'm going to tell you the people in Ewa Beach and this is why I'm supporting this bill.

"There's a man named Derek Corraera who lives on Ewa Beach Road in my district, and there's many men like him in all of your

districts. He is a multiple felon. He's killed several people and he carries a gun. His victims who are terrorized by him everyday, are of different races. They're white, they're black, they're Hawaiian, and they're Filipino. He's lived there for about 20 years and he has been in and out of jail for 15 years. He has constantly terrorized my community, not just on Ewa Beach Road, but all the way up Fort Weaver Road. When he gets out of jail everybody gets on the phone to call each other to say, 'Protect your children. Don't walk along the roads because Derek Correra is back out of jail and he's speeding again. He's drunk again. He's high again. He has his gun again.'

"Let me tell you about victims of West Loch Fairways. They have been terrorized almost every other day for two years by the same criminal who has been arrested 66 times. Everyday they go home and they look to make sure everything's still there. They don't leave their teenage children alone. They don't leave their elderly parents alone, because they're worried what if that guy is high this time that he robs us.

"And I always had compassion for people who have been jailed and I work with a homeless shelter that's helped criminals. But when people in my district who are good law abiding citizens cannot feel safe and they're saying, 'Representative Pine, why is he out again? Why doesn't our courts protect us? Why don't you and the other legislators protect us? We're not doing any crimes. We just want to feel safe in our own homes and in our own communities.'

"So I have no compassion for anyone who makes the conscious decision to terrorize people three times because first and foremost my job as a Representative and I hoping everyone knows that Derek Correra is in your district too and there are many of them. It's to get those guys away from the good people and people like him in jail for as long as we can keep them because he's making a conscious choice to continue to terrorize all of us."

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

"Thank you, Mr. Speaker. I would just like to rise with reservations. The only thing that's reservations that has changed my mind is there is a limit in 2011. I hope by that time we can prove whether that is good or not. Thank you."

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

"Thank you very much, Mr. Speaker. Strong support. Mr. Speaker, I stood up many times here in this Body to support individual rights. It seems contradictory that I support mandatory sentencing to this extent. This measure provides for 30 years sentencing for imprisonment, which is mandatory, permanent terms of life imprisonment for habitual violent felons. But these are for habitual felons as described in the bill. And Mr. Speaker, let me read to you some of the felonies, convictions that are going to be the basis for these three strikes.

"Murder in any degree, any class A felony or class B felony, but is a crime of violence. If you look at these, class A felony, Mr. Speaker, is already 20 years to life. Advancing it to 30 years is not much more, but this in response to the weakness in our system to provide safety and to provide a stop to the circle of violence.

"This is how it will work. Normally now, if somebody is convicted of murder and is a class A felony, they would receive a 20 years to life. Because of the weakness in our penitentiary there's usually an opening where these individuals will come out and then they will return again, hopefully not for the same crime, but nevertheless a lot of them go back with the same violent crime. And then you need to think about what we're going to do as a society for these particular individuals who keep repeating and never learn. There has to be a stop somewhere and it seems to me that three times is three times too much.

"Three times we would allow an individual to commit a heinous crime of violence before we say enough is enough. Three is reasonable. Even as a Democrat, I think it's reasonable. I think that this is not a feel good bill. I don't think that it's enough that we have enhanced sentencing. I think this will add to it to show that we even if we are Democrats who also feel not only for the individual person's rights, but also for the individuals who are victims. Those are the public outcry that there must be balance and I think this is in response.

"It is hard for me as a Democrat and a protector of individual rights to vote, but I think that the person committing these serious violent crimes cannot learn from the experience. That they must be put away. And yes, this brings a concern that they will take away from our education budget. I think it's a wake up call. We do need to look at our priorities. Look at us now. We are not putting enough into our penitentiary, we're not building prisons because it's not a priority.

"We are going to be known as a State that will react when there is a consent decree placed upon us. Only then we should support. Maybe this will help to ensure that we build prisons. We need to no longer ignore the fact that we have an overflowing prison system. Maybe we can build more prisons and ensure that those who are violent will remain there, because right now they are being let out, Mr. Speaker. They are being let out because there is no room. We do have mandatory sentencing for lesser crimes and that's why this is not a new thing for Democrats. We have passed bills that I say are first strike. This bill is for three strikes and I think it is well balanced because it only allows the heinous crimes to be counted in the three strikes.

"The fact that there a lot of minorities in the mainland being put in prison, it is an unfortunate one and I will have to agree with the prior speaker on that, but that is a separate issue. I think that we must ensure that the public defenders who are responsible in making sure that these people's individual rights are protected, must be funded well. That's what I have always advocated. That we must ensure that individual rights are preserved, yet we do pass legislation that keeps them picking away at individual's rights. Mr. Speaker, this is a hard vote. It is a hard vote for everyone."

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

Representative Sonson continued, stating:

"But I think it is time for everyone to vote their conscience, and I hope that you will balance the need for public safety, the need to ensure that violent criminals who keep committing for the third time violent crimes be put away, to ensure that in the future we also think about preventing these individuals from getting there to begin with by ensuring that we provide treatment right at the outset, and that we must provide money for health and human services. We must provide for opportunities for those who are poor.

"If there is any excuse to say the reason why these individuals are there is because of their unfortunate upbringing because of circumstances, then I think Mr. Speaker, that we must also address those. But those are separate issues, Mr. Speaker. And I feel strongly in support of programs, funding for programs to ensure that everyone has an opportunity to succeed in our society. But these individuals have no excuse and we have to look at it and say, enough is enough. We mustn't combine these together and lump them together and say we cannot do this because we are not taking of this. We cannot say, we cannot legislate this and vote on it before we build prisons. I'm glad that we are having this discussion. This is a difficult time for all of us and I wish all of us luck. For me, I'm voting yes."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Thank

you, Mr. Speaker. By putting this into place, this three violent strikes bill, Mr. Speaker, it does not mean that we don't have to do the drug rehabilitation. Mr. Speaker, we can still do those types of things after the first strike, after the second strike.

"But let us also realize that what this bill is, is it may be three violent strikes, but if we compare it to some of the other three strikes across the nation, this is more like, a little more strikes than three, because you have to have, there's language in here that says either the current conviction or at least one of the prior separate convictions is for an offense other than burglary in the first degree. Basically it's not just three strikes. It's three violent strikes. They have to be separate convictions and those types of things, so this is not only three strikes.

"Mr. Speaker, when I take a look at this, I look at the situations where a man comes home from work, someone in his house shoots him. Mr. Speaker, I look at the police officer that was shot and killed when that criminal had a long, long rap sheet. Mr. Speaker, the reason why we have to pass this bill is because I am so sadden when I see on the news that we are starting a fund for some child that is left without a father to provide for them, and so we have to come to their aid because their father is no longer living because they were killed.

"Those type of things and this measure is not the type of three strikes that some describe it to me. This has been softened and I understand why, Mr. Speaker, but we have to look at this for what it is. It's more than three strikes. It's three violent strikes. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, first of all I'd like to incorporate the words of the speaker from Ewa Beach as my own, please. This is a very reasonable bill, in my opinion. Because the current situation that we have in terms of drugs is one that is demoralizing to all of our citizens, demoralizing especially to the police, demoralizing to the prosecutors. All those that are trying to make a difference in our situation in crime.

"I think a lot of our citizens are wondering when is the Legislature going to act? What are they going to do? I know a number of them have asked me that question. Why, why? And so their hands are thrown in the air. We need to respond. We need to let the residents know we hear their pleas. And in response to progression, unfortunately from what I understand or what my residents tell me, we progressed ourselves into a State with a reputation that crime pays in Hawaii and we cannot afford that reputation. Thank you."

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

"I rise in opposition. When I was in Conference and talking to some of my colleagues about this, I kept asking the question: Can't our judges currently give life sentences and 30 years mandatory? And they said, yes. So I'm kind of wondering if we're at a point that what we're really saying is that the Judicial Branch is broken.

"There's three branches of government, the Executive, the Judiciary, the Legislative. If there is something wrong with Judiciary, I'm kind of wondering why they're not getting the message to be tougher on crime. I believe they understand that.

"The previous speaker that talked about this person going in and out of jail 66 times. It makes me wonder if these crimes were crimes that terrorize people, but actually don't rise to violent crimes. And if that's the case, should we be putting our money and energy into supporting our police officers and giving them more techniques to stop this? More policemen in neighborhoods? Maybe there's not enough policemen to respond. I mean, what really is broken here? That's the question I'm asking. And I again I think this bill is a reaction to things that's going on, but I'm not convinced that the

Legislature should be passing the law this year. Thank you."

Representative Souki moved that the report of the Committee and S.B. No. 2260, SD 1, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Cabanilla.

At 3:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:51 o'clock p.m.

At this time, the Chair stated:

"Before this Body is a motion to recommit Senate Bill 2260, SD 1, HD 1, CD 1, which has been moved by Representative Souki and second by Representative Cabanilla. Any discussion, which is limited to the motion of the recommitment?"

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

"I'm in strong opposition of the recommitment of this bill. On behalf of all the victims in the State of Hawaii who cannot protect themselves from career criminals, I'm in opposition to this recommitment."

The motion was put to vote by the Chair and failed to carry. (Representatives Kahikina, Kanoho and Stonebraker were excused.)

(Main Motion)

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

"Mr. Speaker, I rise in support. I'd just like to touch on three items regarding this measure. I draw the Body's attention to page 2, lines 20, 21, 22. I believe the drafters of this measure purposefully and intentionally set forth this particular provision, subsection 5. And it states that, 'this section shall apply only if the prosecuting attorney brings before the court a motion to sentence under this section that allows the court to advise the defendant.' On page 3, 'of the defendant's eligibility for sentencing under this section in regard to the entry of verdict of guilty, whether by trial, plea of guilty, or plea of no contest,' period.

"The motion shall set forth a date and jurisdiction of occurrences of each prior conviction required under section 4, subsection c and shall specify whether the defendant is subject to the following,' and it sets forth a list of crimes.

"And my point, Mr. Speaker, is that before this mandatory three strikes sentencing scheme is imposed upon a defendant, they must first be brought and they can only be brought through a motion by the prosecuting attorney. Mr. Speaker, as a former prosecuting attorney, I know that prosecuting attorneys, deputy prosecuting attorneys, DPAs, have a unique code within our code of ethics as attorneys. And one of the them is, in our role as prosecuting attorneys on behalf of the State or the county in which we administer the laws, we are to seek justice in all cases. And that power and responsibility lies with the prosecuting attorney to seek justice in all cases, and therefore Mr. Speaker, I believe that only through that process will such a motion take place for this enhanced three strikes sentencing.

"But it also brings to mind, Mr. Speaker, that the defense counsel will have the opportunity to submit and should file a motion in opposition to a three strikes enhanced sentencing so that the court may have the ability to hear from both parties before rendering a decision.

"The second point I need make Mr. Speaker, is on page 1 of the

bill. I believe the crafters of this proposal intentionally and perhaps brilliantly drafted the following language. Section 1, subsection 3, line 13 reads, 'except for work furlough programs in the final year of the sentence, the required incarceration be in a time the inmate is not working or traveling to or from work. A habitual violent felon,' that's the affected class of defendants here, 'shall not be eligible for pre-release, furlough, or other modified terms of imprisonment without the written authorization of the Governor, which authorization shall not be delegable.'

"The way I interpret that Mr. Speaker, is that should this law even apply to defendant and one is imprisoned subject to these harsh terms, that the Governor by the powers set forth in this measure would have the ability to modify the terms of imprisonment. It gives me a little comfort because this language is in this measure.

"And then finally Mr. Speaker, in our State Constitution, Article V, Section 5, setting forth the powers of the Executive Branch provides that the Governor may grant reprieves, commutations, and pardons, after conviction for all offenses subject to regulation by law as to the manner of applying for the same.

"Finally Mr. Speaker, it gives me some degree of comfort that the Governor under our Constitution will have the ability to grant reprieve, commute, or pardon. For these reasons I'll be voting up on this measure."

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

"Thank you, Mr. Speaker. I speak in opposition to this measure. Mr. Speaker, I think most of my sentiments were expressed by our Chair of Education Committee. And like him, I would prefer building brain cells than prison cells. But I want to express one particular concern as your Health Chair, Mr. Speaker, because about a month ago I did visit the Hawaii State Hospital. And we all know that the State Hospital is already overcrowded and we are told that over 80% of the patients there are forensic referrals. Already they have a hard time dealing with the violent offenders that come to them.

"So I'm just wondering, I know that with this new law that many of the mentally ill will be swept into, not only our prisons but also into our mental institutions. And I'm just wondering how we are going to handle it because the fact is, the mental health division and our public safety division have not come up with a solution to those who are prone to violent behavior, but are mentally ill and I think we need to address that before we start passing bills like this."

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

"Thank you, Mr. Speaker. I rise in strong support. Thank you. I noticed that the Conference Committee Report had reinserted the offense of sexual assault in a second degree, continuous sexual assault of a minor under the age of 14. And those provisions were especially helpful to me and made me feel more comfortable with this law, because I searched the Judiciary's website of registered sexual offenders and you can search by your zip code, Mr. Speaker. In my district there were a tremendous amount of repeat sexual offenders. And I just wonder what the elderly people and the young people who were possible targets of these people would feel if we did not pass this legislation. So I really appreciate that the Chair of the Conference Committee reinserted that language and I think that's very important. Thank you very much."

Representative Souki rose to respond, stating:

"Mr. Speaker, thank you very much. Again I speak in opposition to this bill. And I take little comfort as to what the Majority Leader has spoken in regard to the prosecutor and the defender in giving some options.

"Let me cite you a case. There was this person who was apprehended in Maui by the police, kept incarcerated for 15 months without a trial. And even after that, there was a letter given to the prosecuting office that in fact this person was innocent. He wasn't carrying any drugs, etc. He still wouldn't look at that letter until finally after 15 months, in presenting the case to the judge, the judge finally set him free. There was no evidence.

"So I take very little comfort in the judicial system that we have as being a very subjective system. Yes, there are times we may have someone who is very objective, ideal, paramount, but many times it's the opposite. It's a tired jurist, prosecutor who makes these decisions, not necessarily on the evidence, but on a particular feeling as a human being.

"So again Members, the vote will be taken and it seems right now more than likely we will have a distinctive reputation as one of the states that has a 'three strikes and you're out' bill. Members, you should feel proud of yourself. Thank you."

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

"Thank you, Mr. Speaker. I'll just make it very brief. I'm in strong support of this bill. With the epidemic of ice in our community and the people that are affected by it, and how it affects each and every one of our communities, I think we have to do something. It's not just a saying, 'tough on crime'. We do have to be tougher on crime. We use to have a reputation for having a revolving door. They come in the front of a prison and within a few days they were out the back, and it was well deserved.

"Now we have overcrowded prisons. I've been in office for 12 years. And in those 12 years, we have done nothing to create more prison space. It's been said that you know in California they spend more money on prisons than they do on education, but here our budget that we just passed today, we're spending \$254 million in prisons, and for education both the lower elementary, K through 12 and the University, we spend \$3.5 billion dollars.

"So we're a long way from outspending for prisons over what we spend for education. But we cannot just turn a blind eye to the fact that we do have prisoners and we have to have a place to keep them. Maybe this bill will be the impetus to get us to get really take a look at that. Bring our prisoners home, those that are on the mainland, and incarcerate all our prisoners here. Thank you, Mr. Speaker."

At this time, the Chair stated:

"In closing the discussion, for those who like to submit written comments for or against, you are allowed to do so now."

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 stand in strong support of this measure, which provides for a mandatory sentence of 30 years to life for habitual violent felons.

"Many of the words of opposition we have heard on the Floor today have merit. However, I will be voting in support because the time has come to take a strong stand in favor of the rights of victims of these violent crimes. The five-year sunset will give us an opportunity to re-evaluate this law, and the contents of the bill have been modified somewhat from the bill as originally written. The potential this bill has to act as a deterrent to those who would flaunt the system with repeated felonies is great. We will have the next five years to evaluate the results."

The motion was put to vote by the Chair and carried, and the report

of the Committee was adopted and S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Final Reading by a vote of 34 ayes to 16 noes, with Representatives Arakaki, Cabanilla, Caldwell, Carroll, Evans, Harbin, Herkes, Kahikina, Morita, Saiki, Schatz, Shimabukuro, Souki, Takamine, Takumi and Tanaka voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 50-06 and S.B. No. 951, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 55-06 and H.B. No. 2639, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2639, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Standing in opposition to this first strike bill. It is a DUI enhanced sentencing bill, Mr. Speaker. What it says here, if you're convicted for the first time, a first offence, you'll be subjected to these sentencing provisions.

"The existing provision requires that there will be a 90-day suspension. However, Mr. Speaker, if a person proves that he or she is employed and that the job requires that he or she drives and the employer provides an affidavit that says, 'if you do not drive or not able to drive you will be fired.' In that case Mr. Speaker, there is a mitigating sentence, which is a 30 day suspension, and a 60 day limited or conditional permit to drive from home to work. In addition there is a conditional permit if you have to go to substance abuse treatment, that you'll be able to drive to.

"What we have done with this bill is to enhance sentencing so if a person drinks for the first time ever, that person may very well pass .15% blood alcohol content, but it doesn't really matter if this is a first time. There's really no learning process. Under our current statute, we intentionally put in this graduated type of punishment in order to see whether or not a person can learn.

"As we previously discussed in the other bill. There is a learning process and if you don't learn the third time you'll get an enhanced sentence and yet in this bill we are saying that even if you have a job, even if you have a family to support, even if you need your driver's license in order to make a living and to support your family, you cannot. This is your first offense, Mr. Speaker. We're doing the exact opposite.

"I think that we can incorporate the enhanced sentencing, but we can also incorporate a provision to ensure that it will take place at least on the second time. We're not asking for the third strike, Mr. Speaker. I'm asking that we should avoid the first strike. 90 days, 3 months is a long time and it is actually extending it to 6 months on page 10. It prompts suspension of a license for a period of a 6 months. Absolute prohibition, Mr. Speaker, and I think that is one good way to ensure that families will be homeless."

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

"Mr. Speaker, I rise in support. Just very briefly, I did want to

clarify. I agree with the prior speaker that yes, there is a mandatory revocation of your license, but I guess it's a philosophical difference as to whether driving is a right or a privilege. I think driving is actually a privilege. And when somebody has been convicted of being a highly intoxicated driver, meaning that their blood alcohol level is .15, twice the legal limit, twice the legal limit and that's when they're caught. At the first time I think it's appropriate that we take the proper sanctions to make sure that person is not on the road and being a danger to the public and to everyone else's safety. Thank you."

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

"I stand in strong support of this measure and I want my written remarks to be inserted in the Journal. But I see this bill as probably, next to the secondhand smoke bill, probably the second most important bill we passed this Session. And those who drink and drive are as much killers as the people we talked about in the three strikes bill. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will apply many of the existing penalties faced by repeat DUI offenders to drivers highly intoxicated by alcohol – penalties such as administrative revocation of drivers' licenses and temporary revocation of vehicle registration. This measure comes into effect only for the most impaired drivers. A driver with 0.15 percent blood alcohol level is 380 times more likely to be involved in a fatal crash than a non-drinking driver. A driver so intoxicated cannot reasonably claim that he or she had "only a few drinks." Our crowded roadways are inherently dangerous to both drivers and pedestrians; legislation such as this, which will discourage people from choosing to operate a vehicle while highly intoxicated, can only improve safety on our roads.

"The strict penalties imposed by this bill may have a small deterrent effect, but, even more importantly, this measure will go far to remove from our roadways and to severely penalize highly intoxicated drivers who ignore the deterrent. These offenders pose a deadly threat to our citizens and show a blatant disregard for the common good. At this point nobody can honestly argue that DUI is a little-known offense; we have all seen the tragic consequences of this problem.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. Very briefly, this weekend at 6:00 in the morning, a person came in the hospital with the paramedics because he was driving under the influence. At 110 miles per hour he hit an innocent victim, the back end of their car. Amazingly they weren't hurt. He had more than 30 fractures in his face including most of his face being gone, and then he had about 15 other major injuries. He could have killed a whole family. I see that too often so anything we can do to really punish people who are driving impaired I think is a really good idea. Thank you, Mr. Speaker."

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

"Mr. Speaker, short comments in strong support. Aside from keeping other people safe, this is a measure that keeps the driver safe as well. If there are sanctions like we're talking about, it would hopefully help to make that decision, not to drive highly intoxicated and possibly save their own lives. 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 rise in strong support of H.B. 2639, which increases the penalties for driving with a high blood alcohol concentration (BAC) of .15 or more.

"Over the past 5 years in Hawaii, approximately 48% of alcohol related crashes have involved a driver with a BAC of .15 or higher. A recent Attorney General report in Hawaii showed that nearly half of DUI arrests in Honolulu involved a driver who had a BAC of .136 and nearly one quarter had a BAC above .174. Drivers at these levels are extremely intoxicated and impaired. They exhibit a decrease in performance in virtually every driving measure.

"There are no excuses for drinking and driving. As legislators, it's imperative that we take action to ensure stricter and harsher penalties for those who choose to drink while highly intoxicated and risk the lives of our children and community members."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2639, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sonson voting no, and with Representative Stonebraker being excused.

At 4:10 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 4:11 o'clock p.m.

At 4:11 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3185, SD 2, HD 2, CD 1
 S.B. No. 2339, SD 2, HD 1, CD 1
 S.B. No. 2323, SD 2, HD 1, CD 1
 S.B. No. 2941, SD 1, HD 1, CD 1
 S.B. No. 2260, SD 1, HD 1, CD 1
 S.B. No. 951, SD 2, HD 1, CD 1
 H.B. No. 2639, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 58-06 and H.B. No. 2422, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and H.B. No. 2422, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were recommitted to the Committee on Conference, with Representative Stonebraker being excused.

Conf. Com. Rep. No. 56-06 and H.B. No. 1861, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1861, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 57-06 and H.B. No. 862, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 862, HD 2, SD 2, CD 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:

"Mr. Speaker, I rise in strong support of this bill. This is not a new problem in the State, and finally the Legislature is taking decisive action to bring safety back to our roads.

"This bill addresses an issue that is not unique to Hawaii, but it is no less a problem. I hope something like this has never touched our lives directly, but allow me to tell you about some people whose lives have been impacted.

"On August 26, 2001, Wally Kekoa was driving on H-1 with his mother-in-law, Rose Davis, and his wife, Elizabeth Kekoa, a school teacher at Holy Trinity School. Their van was struck by a racing Honda Prelude which was traveling at more than 100 miles an hour. Wally and Rose were injured, and tragically, Elizabeth was killed. Not only was this an emotional loss, but a financial one as well. Elizabeth was the breadwinner for their family of five.

"On February 14, 2004 at 3:11 am, a Safety Systems Hawaii flatbed truck was making its regular morning inspection. Until two speeding Eclipse cars crashed into its rear and ignited a three vehicle fire. This was one of the most deadly collisions on Oahu.

"Safety worker Carl Koonce III, was seriously injured. Tragically, safety worker Mariano Salangdron was killed. He was 49 years old. The two people in the first Eclipse were burned beyond recognition. The driver of the second Eclipse was killed. The passenger was also seriously injured. A total of four deaths and two serious injuries because of excessive speeding.

"According to recent annual report statistics from the State of Hawaii Department of Transportation. There were, on average, from 1998-2003: 40 fatal crashes and 550 injury crashes each year, because of excessive speeding.

"This is too many. Mr. Speaker, this bill will effectively clamp down on highway speeding and racing, and will be a monumental step toward creating greater safety on our roads throughout our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 59-06 and H.B. No. 386, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 386, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 60-06 and H.B. No. 2199, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2199, HD 2, SD 1, CD 1 pass Final

Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Conference Committee Report 60. I rise in opposition, Mr. Speaker. Mr. Speaker, I'm not a constitutional lawyer, but I believe this bill may be unconstitutional. The State of Hawaii does not have the constitutional authority to establish laws and rules that would oppose those established by the U.S. government in the conduct of international trade. I don't believe the State Legislature has the right to void any federal, international trade agreements.

"That's why the citizens of this State vote for U.S. Representatives, and Senators to represent us in DC. It's their job to speak with interested parties and congressional leaders to make sure our international trade agreements are fair to Hawaii businesses and workers.

"I believe if we opt out of the rules regarding international trade agreements we will be opted out of the benefits of those agreements. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. The purpose of this bill is to prohibit future binding of the State to government procurement rules contained in an international trade agreement without legislative action. This bill provides that only the Legislature can through a Concurrent Resolution, bind the State to government procurement rules contained in an international trade agreement.

"I introduced this bill because without State law outlining proper procedure, our governors have unilaterally allowed the United States Trade Representative to bind our procurement system to the rules of international trade agreements without full consideration of how those rules affect our State laws and sovereignty over our own procurement system.

"Mr. Speaker, the right to consent will not bind our State procurement system to an international trade agreement. It is solely the right of the State. I'm not a lawyer, but if it were not so the United States Trade Representative would not deem it fit to ask our Governor's permission before moving to bind us to international trade agreements. And I don't have the figures before me to show you, but many states have not agreed to their Trade Representative.

"As for the worry that we are not in Session all year long, I ask my colleagues to rest assured that international trade agreements take several years to negotiate and finalize, therefore allowing ample time to consider our consent to their procurement rules.

"Furthermore, the United States Trade Representative never places a time limit on our consent. We can do a consent at any time, but once negotiated into the trade agreement we can never take our consent back unless the other country takes the extraordinary step of agreeing to open negotiations and further agree to carve us out of the agreement.

"With this bill, we have set a proper procedure for dealing from now on with international trade agreements. We are not trying to prevent what has happened in the past, but in the future. This is a job for this State Legislature. I urge my colleagues to vote for this bill. Thank you very much, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I stand in support of the measure. Perhaps the Representative from Waikiki has a misunderstanding of what the purpose and the intent of this measure

is. As you know, Mr. Speaker, this bill merely, on a go-forward basis says, that the people of this State ought to have a say, ought to have some input, as to how international trade agreements affect our State, specifically only as it relates to procurement. Every other single section of the international trade agreement is clearly under the purview of the federal government. That's point 1.

"Point 2, as the Representative from Puna indicated, previously governors unilaterally decided to sign the State on to an international trade agreement with no public input. Even the United States President does not have the authority to bind the nation to a trade agreement. That has to be ratified by the Congress and sent up for his signature. Like other states we have many laws in our books. Like local laws that prevent off-shoring, laws that try to promote small businesses.

"When any governor signs our State on to an international trade agreement as it relates specifically to procurement, it binds our State to that part of the agreement and therefore renders moot, null, and void whatever sections we have in our laws as it relates to procurement. This leaves us open to a challenge to those member nations about our procurement policies. And I think it goes without saying from anyone, whether this is the Executive Branch or the Legislative Branch, that historically and traditionally procurement laws fall completely and totally under the purview of the Legislature. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, strong support. Mr. Speaker, the purpose of this bill is to prevent the Governor from binding the State to procurement rules under any future international trade agreements. And just for the Members' edification, currently the United States is involved in about ten proposed bilateral international trade agreements. The United States with Panama, the United Arab Emirates, Kuwait, Ecuador, Thailand, Malaysia, Indonesia, Southern African Customs Union, South Korea, and Kirabati.

"Mr. Speaker, even the federal government through our U.S. Trade Representative Ambassador, Robert Zoellick, who solicited the input of governors, did note that it was the sole purpose of having governors relinquish their authority over their own procurement rules to support these trade agreements. So when Governor Lingle signed the agreement that bound the State to the Central American Free Trade Agreement on March 8th of 2004, she essentially allowed our laws to take second seat and play second fiddle to the international trade agreements.

"Mr. Speaker, only 18 other states consented to the restrictive procurement provisions of these international trade agreements. And subsequent to that time, a bipartisan group of governors from eight states, Pennsylvania, Iowa, Missouri, Maine, Minnesota, New Hampshire, Oregon, and Kansas, actually withdrew their initial agreements to bind their states to comply with the procurements rules in CAFTA.

"This legislation is necessary to clarify and reaffirm the Legislature's sole and exclusively authority regarding procurement under all future trade agreements. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2199, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Finnegan, Marumoto, Meyer, Moses and Stevens voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 61-06 and H.B. No. 1955, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1955, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 62-06 and H.B. No. 2367, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2367, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 4:22 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1861, SD 1, CD 1
 H.B. No. 862, HD 2, SD 2, CD 1
 H.B. No. 386, HD 1, SD 1, CD 1
 H.B. No. 2199, HD 2, SD 1, CD 1
 H.B. No. 1955, HD 1, SD 1, CD 1
 H.B. No. 2367, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 63-06 and H.B. No. 1809, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1809, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 64-06 and H.B. No. 2343, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2343, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 65-06 and H.B. No. 3121, HD 2, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3121, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 66-06 and H.B. No. 2974, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2974, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you very much, Mr. Speaker. Mr. Speaker, I rise with strong support of Conference Committee Report 66-06. It extends the length of time allowed to acquire the lands that will be designated as part of the South Kona Wilderness Area on Hawaii preserves. This measure is important because it will protect our important cultural resources.

"With increasing development, native dry land forest covers are becoming rarer throughout the State. And the South Kona Wilderness Preserve will perpetuate Native Hawaiian culture tradition, and archaeological sites. It will preserve the special place in Hawaii's history for generations to come.

"It is in accordance with this Administration's goal to preserve and protect Hawaii's unique natural resources because we are at a time when the health of many oceans worldwide are being threatened by oil spills, fishery depletion and coral bleaching. Just this year the Northwestern Hawaiian Islands were designated under rural refuge by our Governor. Encompassing 135,000 square miles of the Pacific, an area larger than all the US National Parks combined, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve is now the largest conservation area under our nation's flag.

"Also earlier this year in January, the Energy for Tomorrow bill was introduced to reposition Hawaii from the most oil dependent state in the nation with the highest energy costs, into a state that leads the nation with low cost sustainable, locally produced and secure energy systems.

"So with House Bill 2974, the Legislature's efforts to protect the South Kona Wilderness Area are now consistent and they add to the actions to preserve the Northwestern Hawaiian Islands and implement renewable energy technology. It is evident that resource management, and land conservation are necessary tools in assuring a clean and energy independent Hawaii for this and our future generations. Thank you for this opportunity to speak."

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, the reason that we need a one-year extension of the South Kona Wilderness Lands is that the Administration has yet to provide us with an independent appraisal of that land so that we can take that appraisal to Senator Inouye who's made a commitment to provide the funds to purchase this.

"In the original bill, when we passed this, we put in \$500,000 to provide for some of these chores, and some of the things that are necessary in order to acquire the land. So it is my hope that with this one-year extension that the Administration will finally do an independent appraisal that we can then take to Senator Inouye. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2974, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 67-06 and H.B. No. 2899, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 68-06 and H.B. No. 3217, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3217, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support. Mr. Speaker, House Bill 3217 calls for an annual holiday to commemorate the significant role that our *kupuna* play in Hawaii's culture, history, and traditions. Though this is not a paid State holiday, the fourth Saturday of July each year would serve as Kupuna Recognition Day.

"Here in Hawaii, *kupuna* tradition has long been responsible for the passage of knowledge from our elders. Whether it was teaching the hula, canoe building, or la'au lapa'au, watching and learning from the *kupuna* can be very educational and of great value in our life. These teaching methods were responsible for maintaining a rich oral tradition and carrying centuries-old wisdom forward.

"Furthermore, our *kupuna* have acquired lifetimes of skill and understanding. My hope is that this holiday will acknowledge and recognize our *kupuna* for all that they have contributed to our families, friends, colleagues, and community.

"Mr. Speaker, I was raised by my *kupuna* and have and still do surround myself with *kupuna* because I enjoy their stories, lessons, and bits of unique wisdom I've gathered from them which are invaluable. They are life's living experts with scores of first-hand knowledge to share and pass on. This is why I feel it is necessary to give our *kupuna* wider attention and praise. In addition, Kupuna Recognition Day isn't just for them, it's also for our younger generations who are responsible for perpetuating tradition.

"Again, this measure will provide for a statewide recognition of our *kupuna* that is long overdue. Therefore, I ask my colleagues to please support HB 3217 and honor our *kupuna* by passing this bill."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3217, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 69-06 and H.B. No. 2039, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2039, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support. Many of the chemicals used in the production of crystal methamphetamine are toxic, especially to children. And these chemicals include volatile organic chemicals like toluene, acetone, methanol, petroleum distillates, ethers, lead, and mercury. And when illegal labs are discovered subsequent human habitation of the premises is likely to be very unsafe. To determine whether living in the building is safe and to guide any necessary cleanup it's important to adopt regulations for the testing and decontamination of property used for the production of illegal drugs.

"I wanted to tell you about what one of my constituents experienced. He related this story to me and it became the impetus for this bill. Without his knowledge, he had been renting to methamphetamine traffickers. After eight months, the tenants were arrested for an illegal methamphetamine laboratory in the unit.

"The landowner was given a classic bureaucratic run around. The federal, State, and county officials were unable to provide him guidance in making the unit fit for habitation. However, he was told, that if the cleanup was inadequate, he would be liable, but he was not told what an adequate cleanup would entail. Only after six months and significant expense, was he finally able to find a contractor willing to tackle the expensive job of returning his property to habitable condition.

"Hopefully, the rules established by DOH pursuant to this Act, will prevent any repeat of this frustration. I would also like to mention that this is part of the package of legislation that was sponsored by the Mililani Town Anti-drug Committee. Thank you very much."

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

"Thank you, Mr. Speaker. I rise in strong support of this bill. The bill before us mandates that the Department of Health to establish procedures for emergency and long-term decontamination of illegal methamphetamine labs. A key reason for the growing epidemic is that meth can be easily made with over the counter drugs and common household ingredients and manufactured in homes.

"Due to the rising number of homes being used to make meth, a growing problem is that of unsuspecting homebuyers, when they purchase what were once meth labs and now suffer the same effects as ingesting meth.

"This bill implements the necessary steps in ensuring long-term decontamination and owner's health and safety. According to the US Attorney, Edward Kubo, Hawaii today, leads the nation in the number of arrestees testing positive for ice at approximately 45%. That's 45% of anybody picked up for some kind of a charge, they find that they have ice in their system.

"We need to be mindful that as we pass measures such as these, we must remain committed to providing our law enforcement with the necessary tools to stop the spread of illicit drug use in our State. We need tougher sentences and we heard a lot of debate about that on the Floor. The passage of these enforcement initiatives assures the hope, one day, we won't have to discuss the merits of bills like these because we would have wiped illegal drug manufacturing Statewide. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2039, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 4:31 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1809, HD 2, SD 2, CD 1
 H.B. No. 2343, HD 1, SD 2, CD 1
 H.B. No. 3121, HD 2, SD 1, CD 1
 H.B. No. 2974, SD 1, CD 1
 H.B. No. 2899, HD 1, SD 1, CD 1
 H.B. No. 3217, HD 1, SD 1, CD 1
 H.B. No. 2039, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 70-06 and H.B. No. 2503, HD 2, SD 1,

CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2503, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 71-06 and H.B. No. 1935, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1935, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 72-06 and H.B. No. 2555, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2555, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. And thank you everyone for supporting this particular measure. This measure will statutorily require that there be no residential development in Kakaako Makai, and that public lands that we value so dearly cannot be sold in Kakaako Makai.

"I think this bill is very indicative of what the community, the real people of Hawaii can do to move a legislative body such as ours as quickly as it did to respond to the potential loss of a very valuable asset of Hawaii. I really want to thank them and I hope that all those that were involved with this process, and for many of them, it was a first time event, that you go back and go home and know that you do have the power here.

"This bill has one more stop and it's upstairs. I would like to really request that the Governor, respect her words to the public, when she said, if the Legislature so mandates it, she will so respect it. I hope that this message will be carried to her.

"And as a sidebar, it was brought to my attention very, very recently that in 2002, as a citizen participant, I was quoted as saying, 'Over my dead body, there will be residential in Makai.' I want to thank you all for allowing me to live on. Thank you."

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

"Mr. Speaker, I wish to speak against this bill. And the former speaker doesn't have to thank me because I didn't support it. Let me go on and say that I believe the wisdom of the Legislature in adopting this measure, in my estimation is suspect. And I do respect this Body here and the decisions that you make and live by them.

"However, my concerns have been and are that we had an opportunity to provide for an extensive park, a walkway, a marketplace, a beautiful setting there, and to rid ourselves of all of the toxins in the area, in the ground, fix the buildings that need to be replaced. We had an opportunity to do all of that to make a very scenic and beautiful area, where it would be safe for the surfers, as well as anyone who wishes to walk through the area. Also it would have provided additional low-income housing.

"Now Mr. Speaker, if we are going to improve that area similar to what it was planned to be, we're going to have to put in over \$150 million – between \$150 and \$200 million. I would prefer to see that \$200 million go for school and college buildings, the arts, hospitals, etc., rather than we, ourselves putting that money in that area. Because Mr. Speaker and Members, eventually we are going to have to improve that area. But the next time we'll have to do it all by ourselves.

"If I recall, we passed a measure, Act 231. The Legislature passed it last year, to build a public cultural market. Ironically, we instructed the HCDA to look at a public-private partnership. They did so. And of course this bill means that we rejected that partnership that we requested HCDA to do.

"Now we need to understand that when we pass this bill and the decision not to build any more residences, residential property, that it is not only the State that owns land there. Bishop Estate also owns land in that particular area. So this is something that we need to look at, at some point. Suddenly, land that they have has now been downgraded. And we know what happens to land that is downgraded. They come back and make an appeal for the original zoning that they had, because suddenly they lost their zoning.

"I have no idea what they plan, but I do know this. Low-income residences and those who may have had an opportunity to get a home, will not be able to because of the decision that we made. We will not be having the open space, the park, the halau. All of that, we will not have.

"What we will have is, we will continue to have old buildings. The land filled with toxins that we cannot use unless it is cleaned. An area that we don't walk around there at night alone because it is unsafe. This is what we will have this by the action of this Body here.

"So Members, I hope that in the future as we look at future legislation for the area, maybe we can find a partner for a public-private partnership who is willing to go there. He won't be able to build any residences, but maybe, maybe he can build a park and we get his money back by vending and selling. Selling merchandise there. They can put up stores, but they cannot put any residences. I doubt if we'll have a park there in the near future, Mr. Speaker and Members. And I feel that it's going to be like that for years to come. Thank you very much."

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

"Thank you, Mr. Speaker. I rise in strong support. Thank you. We had a lot of bills this Session regarding what to do with Kakaako Makai. And I believe that this bill gets to the heart of the public policy question that really needed to be answered, and that was whether or not to sell public land in fee simple for residences to a developer, and the public outcry against this was pretty strong.

"I believe you Mr. Speaker and our colleagues heard that very loud and clear, and I think this bill gets to the heart of that and answers that question and says, no, we shouldn't be selling public land. Especially waterfront land in the last waterfront area that's open and in fee because once it's sold, it can never be reclaimed for park or public use. So I appreciate the support of colleagues and I appreciate the public that has been so diligent in coming and testifying at these different hearings, and coming to give rallies and show us where their feelings were on this issue. So I urge my colleagues to support this measure. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. Mr. Speaker, I think this Body has taken a sensible step by saying, let's step back, let's look at what's occurred,

and let's not have the residential development go forward on the Kakaako Makai lands. In doing so, Mr. Speaker, I don't think it's the intent of this Body to state that the HCDA is somehow a bad organization, or hasn't been doing wonderful work in the Kakaako area. They have really transformed that area into a place where so many people can come and enjoy themselves in so many different ways.

"And I wanted to mention that Dan Dinell, a constituent of mine, who lives in the very back of Manoa Valley, who's up in the audience and I'd like to recognize him for all the hard work he does, I want to thank him for his attempts at compromising. Can we just give him a round of applause, if that would be okay?"

"Mr. Speaker, as we know, Mr. Dinell, has worked with many of us on various issue regarding Kakaako and that his heart is in the right place. The same can be stated for Alexander and Baldwin. They rose to the occasion and asked to propose a bid based on our RFP that was outlined. They met the conditions and people like Stan Kuriyama and Meredith Ching, have worked hard on the initial proposal and then trying to craft a compromise and they too are not bad people. They were just trying to respond to what they were asked to do. And of course we have the grassroots organization who did come forward and expressed the needs that they were concerned about and that we all listened to, which resulted in the bill that we have today.

"I think HCDA did not try to sneak this issue by. Part of the problem is all of us including the people of our State and the people of our City, weren't paying attention in the initial stages of this. As back as early as 2002, HCDA announced its intention to pursue a residential development and to work on an RFP. It really wasn't until 2005, Mr. Speaker, when the plan was actually proposed, as we all remembered in the paper, that people realized what this was going to do. And in a way, we all need to accept responsibility for this and look back and see how it can be done better to get people to participate in the problem a lot earlier. And I hope that with the Resolutions that have moved forward in that process will be looked at so we can help the HCDA do its job in the future, and avoid some of the wasted effort.

"Mr. Speaker, I do take offense from of the articles in the paper and letters to the editor, saying that this is just a small minority of people who oppose this project. Maybe 10 or 20 or 30. Some people said, mostly from Manoa Valley. Mr. Speaker, I have a box here of petitions, letters, signatures, it goes on and on, Mr. Speaker. Almost 3,500 of them are here. So this is not something that just a few people expressed concern with. It's many, many people and I think we can be proud of the fact that we listened to those voices as we well should, as the Representatives for the people of the State of Hawaii. So I think it's an absolute wrong that somebody can stand up and just say that it's 10 people and nothing more than that.

"Mr. Speaker, when you think about it, we want to see a Kakaako that's comfortable for the families of the City and County of Honolulu to go to. And we see so many developments in parts of our State now and based on the poll that was recently taken, where the people of our communities feel locked out. Maybe not physically, but in terms of their comfort level, whether it be Waikiki, Kahala, or even certain areas of the Waterfront. I just think back when as kid, growing up in Hilo, we'd go to Hapuna because it rained so much in Hilo, and now there is a hotel on the one end of the beach, Hapuna Prince. Most local people don't go down to that area even though it's a public park unless the *o'ama* are running, to go fish, but otherwise they just don't feel comfortable.

"What we want to see, Mr. Speaker, is a development in Kakaako that addresses those concerns. To say that somehow residential development would fit the needs. If you think about it, if someone were to propose that Kapiolani Park should have a residential development, and the money gained from that development could be used, maybe improve the zoo and that's a justified need. I think there be an outcry heard across the State, saying, 'No way, we don't want

that.'

"But now that we have decided, Mr. Speaker, by this bill, and we heard the Speaker Emeritus talk about it. We do owe it, to come forward, and talk about how we're going to help HCDA take the next step and that is to improve that area with the bus barns, and the warehouses, and the broken down buildings, to make it safe, to make it open for everyone so that your mother, and my mother-in-law, along with their grandchildren, can go down there, sit at a table, eat a *bento*, and enjoy the sunset along with the surfers and others who like to go there. We need to work on that and I hope that we all commit to it because in the end, Mr. Speaker, we have that responsibility. It'd be a shame to see that after this bill passes, nothing happens and that Kakaako stays the way it is. Thank you very much, Mr. Speaker."

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

"Thank you Mr. Speaker, I rise in strong support. I basically want to commend the folks who worked on this bill, all of us, because it shows that the democratic process, the citizen engagement actually works.

"Secondly, what it also shows is that we have an intention to move Hawaii towards sustainability in a coherent way so this pause, I hope will be an invitation for us to look at other development areas and for HCDA, as well to ask the hard questions, in terms of what sustainability means for the quality of life of all of us. And if we look at this opportunity as talking about more than a park or not having condominiums, but rather what does the energy needs and the wellness of our environment mean to us. I believe it will cause us to pause on all islands and look at all of the studies and support the community's voice in all decisions that are made. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2555, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 45 ayes to 1 no, with Representative Souki voting no, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 73-06 and H.B. No. 2991, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2991, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of H.B. No. 2991, HD 2, SD 2, CD 1, entitled: 'A Bill for an Act Relating to Special Purpose Revenue Bonds.'

"The purpose of this bill is to promote the development of affordable housing through enabling legislation that establishes the manner and procedure for the issuance of special purpose revenue bonds (SPRBs) to public instrumentalities and their qualified affiliates to develop low- and moderate-income housing.

"The measure also:

Authorizes not-for-profit private organizations and for-profit private organizations, in addition to public instrumentalities and their qualified affiliates, to be eligible for SPRBs for the development of low- and moderate-income housing;

Includes projects qualifying for federal tax exempt status under 26 U.S.C. § 142 (a)(7) and (d) as projects that may qualify for SPRBs under this measure; and

Specifies that the State shall not operate a project on behalf of an entity qualifying for SPRBs.

"It is our hope that in the event that competing requests for the authorization of SPRBs occur during the same legislative session, that the Legislature would give first consideration to authorizing bonds for the low- and moderate-income housing projects that will provide housing to the lowest income families.

"With approval, this measure would become effective July, 1, 2006. I ask that H.B. No. 2991, HD 2, SD 2, CD 1 pass Final Reading. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 74-06 and H.B. No. 2772, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 75-06 and H.B. No. 2145, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2145, HD 2, SD 1, CD 1 pass Final 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 House Bill 2145, HD2, SD1, CD1.

"Hawaii's agricultural industry is in a time of transition and this measure will assist farmers in diversifying their operations, by permitting agricultural tourism on existing farms.

"Long recognized as a prime destination for tourists, it is now the time to showcase Hawaii's agricultural industry.

"This measure specifies that tourism operations must be accessory and secondary to existing farm operations, and ag. tourism ventures permitted under this measure cannot interfere with surrounding farms.

"In addition, HB 2145 directs counties to adopt ordinances regulating ag. tourism. Thus, passage of this measure shall clarify land use codes regarding agriculture lands.

"Support of HB2145 will aid the diversification of agriculture, and will give farmers an opportunity to present Hawaii's agricultural

industry to the world. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," passed Final Reading by a vote of 45 ayes to 1 no, with Representative Waters voting no, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

At 4:49 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2503, HD 2, SD 1, CD 1
H.B. No. 1935, HD 1, SD 1, CD 1
H.B. No. 2555, HD 2, SD 2, CD 1
H.B. No. 2991, HD 2, SD 2, CD 1
H.B. No. 2772, HD 1, SD 2, CD 1
H.B. No. 2145, HD 2, SD 1, CD 1

At 4:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:12 o'clock p.m. with Vice Speaker Takai presiding.

The Chair then announced:

"Members, we're on page 11 but before we continue, I just wanted to remind you that I believe we have 23 more pages. In addition to that we have two Supplemental Calendars. In addition to that we have the yellow Action Sheets. And in addition to that we have the white Action Sheets. We have a little more than 6 hours to go with much to do."

Conf. Com. Rep. No. 76-06 and H.B. No. 2848, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2848, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of House Bill 2848. Since its inception in 2002, the Hawaii Energy Policy Forum has developed an organization framework for addressing and raising public policy issues in Hawaii's energy arena. The Forum's partnership represents the input from 41 major stakeholders, elected officials, recognized industry leaders and scientists Statewide."

"This Session, we're fortunate to see some of the Forum's energy policy recommendations in many of the bills before us today. Mr. Speaker, your Minority Caucus, under the leadership of our Senior Ranking, Assistant Minority Leader from Kailua, energy champion, are long time proponents of increasing implementation of alternative energy through credits and incentives to consumers and we're encouraged to see this concept being expanded in the omnibus alternative energy bill that will be discussed later in today's OD.

"The passage of this bill reminds me of the accomplishment last Session in establishing an alternative energy standards mandate. This bipartisan effort demonstrates our success in making energy a top priority in our State, furthering Hawaii's nationally recognized leadership in renewable energy initiatives.

"Increasing global demands on natural energy resources will continue to raise the price of electricity, and vehicle fuel cost. Current economic trends force us to forge ahead with solutions to our

longstanding dependency on imported oil. The \$200,000 appropriation to the Hawaii Energy Policy Forum is just the beginning of our State's long journey towards energy independence. And your Minority Caucus looks forward to supporting future bipartisan efforts like this bill that will secure Hawaii's renewable energy future. Mr. Speaker, thank you for this opportunity to speak."

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

"Thank you, Mr. Speaker. I rise in support of this measure. And this is the only time I'll get up to speak on energy issues so I ask for your indulgence. Today besides House Bill 2848, CD 1, we will move four other energy measures. Usually when we open up the new legislative Session, many think we have the one magic bullet, or the one big idea that will transform into a policy or solve a problem. Unfortunately, for most of the time this is not the case as many difficult issues we deal with, take a long-term vision and a sustained effort to keep us on track. Energy policy is one of those issues, and today I'd like to speak on energy issues, on each of these bills we pass today, and how it fits in this larger more cohesive plan outlined in this bill.

"Mr. Speaker, House Bill 2848 is a vehicle that continues the discussion and calls for action on Hawaii's big energy picture through a \$200,000 appropriation to support the Hawaii Energy Policy Forum. Each action we take today falls into the desired actions of the Hawaii 10-point energy plan adopted by the Hawaii Energy Policy Forum. By talking and acting upon these measures within the framework of a 10-point plan, we can begin to understand how small changes can make a big difference.

"The Hawaii 10-point Energy Plan was adopted by the Forum as a result of its discussion on how to help Hawaii's citizens visualize the big energy picture and gauge our progress toward our desired energy vision. Originally convened in 2002 by the University of Hawaii, the Forum continues to be a unique experiment in collaborative energy policy making. The 45 members of the Forum, includes representatives of the electric utilities, oil and gas companies, environmental groups, the renewable energy industry, your Chair of the Energy and Environmental Protection Committee, federal, State and county agencies, the business community, and other major energy users. We also put the forum's preferred energy vision of achieving smart energy solutions to sustain a healthy, prosperous, and secure Hawaii.

"In Malcolm Gladwell's book, The Tipping Point, he describes how a well-placed vehicle, with a profound message, can seize an opportunity to chart and engineer the course for a social epidemic. A good historical example is President John F. Kennedy's announcement of the Apollo Project at Rice University in Houston on September 12, 1962. In setting the stage for America's ambitions in space explorations, President Kennedy said and I quote, "We set sail on this new sea because there is new knowledge to be gained and new rights to be won and they must be won and used for the progress of all people," and then he goes on to say, "whether it will become a force for good or ill, depends on man and only if the United States occupies a position of preeminence, can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war."

"Currently there is no doubt that energy issues drag us into a terrifying theatre of war with our involvement in the Middle East.

"President Kennedy rallied the citizens of the United States behind his proposed space program, committing American ingenuity and resources. Unfortunately, the essence of this important speech, to commit American ingenuity and resources is not in the vernacular or the soul of our Nation's leadership for bold and visionary ideas to guide America's energy policy. However, despite the lack of this national leadership, many states, municipalities, labor organizations, businesses and community groups are partnering with a national initiative called the Apollo Alliance to use Kennedy's inspired Apollo project as a model to launch bold grassroots energy agendas.

"The Apollo Alliance is an ambitious, 10 year, 10-point plan that promotes the advancement of renewable energy and energy efficiency ..."

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

Representative Morita continued, stating:

"Thank you. The plan is an advancement of renewable energy and energy initiatives to drive investments into modern energy technologies and public infrastructure. It is anticipated that this initiative's highly focused program for sustained energy independence can create 3 million high quality jobs, free the nation from imported oil, revitalize underserved communities, reduce dependency on foreign oil, and enhance energy security and promote a healthier environment.

"Using the Apollo Alliance's 10-point model, the Hawaii Energy Policy Forum's 10-point energy plan was developed in the spirit of President Kennedy's speech to make a commitment towards action. Hawaii now needs to bring a social, economic and environmental epidemic to create a tipping point for a sustainable energy future. The Hawaii 10-point Energy Plan pulls into a framework the smart solutions that we need to accomplish as a community to sustain a healthy, prosperous and secure Hawaii. And this is the 10-point energy plan.

"First of all, expand renewable energy opportunities and this means to increase development and use of Hawaii's indigenous renewable energy sources.

"Senate Bill 3185 amends the Renewable Portfolio Standards, authorizes the PUC to establish a public benefit fund and clarifies policy directives to the PUC to promote and remove the regulatory barriers hindering renewable energy and energy efficiency efforts.

"Senate Bill 2957 removes the sunset date for the Renewable Energy Income Tax Credit and raises the tax credit for solar hot water heaters from \$1,750 to \$2,250 and photovoltaic systems from \$1,750 to \$5,000 for single-family residences. This measure also raises the tax credit for photovoltaic and wind systems for commercial properties from \$250,000 to \$500,000.

"House Bill 2175 appropriates \$5 million for the development and implementation for photovoltaic, net metering pilot projects in our public schools, to begin with at least one pilot project in each county.

"Almost \$5 million was requested in emergency appropriations for the DOE deficit for electricity costs in this Session. The potential of these PV projects should be viewed as an income generator for our public schools, not only to offset electricity costs, but also to free up additional money for school programs.

"House Bill 2848 directs the Hawaii Energy Policy Forum to investigate and assess the State's participation in the Chicago Climate Exchange, a market based approach to emissions reduction, in terms of advancing Hawaii's development and use of renewable energy especially in selling our renewable energy resources as off-set credits out-of-state, as an export product.

"The second point in the plan is to increase energy efficiency in public buildings. For fiscal year 2006, the total estimated cost for electricity statewide in public buildings is over \$90 million. This Session alone, the Governor has requested more than \$12.5 million to cover deficits in electricity payments.

"House Bill 2175 updates the State's energy policy and appropriates funds and staff positions in the DOE and DBEDT to promote State use of green building practices for the construction or substantial renovation of State-funded buildings, energy and water efficiency practices, life cycle cost-benefit analysis ..."

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

Representative Morita continued, stating:

"Fuel-efficient vehicles ..."

Representative Meyer rose, stating:

"Mr. Speaker. I'm a little confused, aren't we on House Bill 2848?"

The Chair then stated:

"Yes, I've given the Representative from Kauai the opportunity to talk about the comprehensive energy package that this House, this Legislature is passing."

Representative Meyer: "It's just that this bill is very narrow."

Vice Speaker Takai: "I realize that. She said that she will only speak once on all of the bills and I'm assuming that when the other bills come forward she won't have to speak on those other ones."

Representative Meyer: "Well that's your prerogative. Thank you, Mr. Speaker."

Representative Morita continued, stating:

"Thank you. All of these measures, as I mentioned before, fit into an energy 10-point plan and this is the work of the Energy Policy Forum, which was outlined in House Bill 2848.

"The third point increases the use of solar water heating and energy efficient appliances.

"Senate Bill 2957 helps to remove the cost barriers for many Hawaii families that can benefit from solar water heaters through the establishment of a pilot "Pay As You Save" program, where electricity savings from using a solar hot water heater pays for the system through their electricity bill.

"Senate Bill 3185 authorizes the PUC to establish the public benefit fund to help electric customers, both residential and commercial, to reduce their electricity costs through energy efficiency and conservation.

"The fourth point, maintains policies and regulations to encourage energy efficiency and renewable resources. As I mentioned before, Senate Bill 3185 helps to give a clear policy directive to the PUC to remove the regulatory barriers hindering the use of energy efficiency and renewable resources.

"Number 5, we preserve regulatory protections. House Bill 1021 requires both the PUC and the Division of the Consumer Advocate to report back to the Legislature with an in-depth review of their respective operations to develop a restructuring plan to more effectively and efficiently address changing regulatory conditions, duties, and requirements and advances in technology.

"Number 6, invest in planning for sustainable communities. The efforts to improve Hawaii's energy big picture is not the sole responsibility of government and this bill, House Bill 2848, utilizing the Hawaii Energy Policy Forum, will contribute to on-going public discussions and community, both residents and businesses, involvement in planning and meeting Hawaii's energy goals.

"Number 7, improve energy efficiencies and options in transportation. Having the State lead the example, House Bill 2175 accelerates the timetable to phase-in energy efficient vehicles into the State's motor vehicle fleet operations.

"Number 8. Support research and development of alternative fuels. Senate Bill 2957 codifies the Hawaii Renewable Hydrogen Program, appropriates \$10 million into the Hydrogen Investment Capital Special Fund, funds the hydrogen system program manager position at the Hawaii Natural Energy Institute. And this particular position can be used to match various federal programs as much as 4 to 1. In the past, legislative appropriations have been match as much as 20 to 1 through public-private partnerships to advance Hawaii's renewable hydrogen program and efforts.

"Number 9, encourage development, production, and use of biofuels. Senate Bill 2957 appropriates \$150,000 to provide assistance to the agricultural community interested in developing energy projects, especially for the production of biodiesel from energy crops and cellulosic ethanol from agricultural waste to maximize funding available from USDA and US Department of Energy or other external sources.

"Senate Bill 2957 also appropriates \$200,000 to allow DBEDT to conduct a Statewide multi-fuel production assessment ... "

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

Representative Morita continued, stating:

"I'm almost done. So the \$200,000 will be used to conduct a Statewide multi-fuel biofuels production assessment of potential feedstock and technologies and economics of various renewable fuels pathways to contribute to Hawaii's near-, mid- and long-term energy needs.

"And the bill also establishes a statewide alternative fuel standard of 10% of highway fuel demand to be provided by alternative fuels by 2010, 15% by 2015 and 20% by 2020.

"And number 10, to ensure a secure system for fuels and an electric utility grid. As we build new or renovate our infrastructure, we need to embed these multiple uses and concerns in our planning efforts. While we do not have any specific energy legislation to address this issue, various discussions in other bills have included this philosophy of securing our fuel and utility grid infrastructure.

"So Mr. Speaker these are just some of the many aspects of these energy bills. Many which I did not cover, fit into this comprehensive 10-point plan. Your Committee on Energy & Environmental Protection, your Committee on Consumer Protection & Commerce and your Committee on Finance did its best to deliver an energy package that this Body should be proud of to achieve our goal of smart energy solutions to sustain a healthy, prosperous and a secure Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 77-06 and H.B. No. 1706, HD 3, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 78-06 and H.B. No. 439, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 439, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to Conference Committee Report No. 78, House Bill 439. This is a bill that the original purpose of this bill was to enable the Office of the Ombudsman to access State tax returns and tax return information relating to its official duties including the investigation of the administrative acts of various agencies.

"As the bill was amended in Conference Committee, it was limited, limiting the Ombudsman access to tax returns and return information of any taxpayer who files a complaint with the Ombudsman about an administrative act of the Department of Taxation. So it's very much more narrow than it was going to be originally.

"But the question comes up, for me anyway, if somebody comes and files a complaint with the Ombudsman, they can just give the Ombudsman their tax returns if that's their choice. I'm not sure that that limitation is what it looks like at first glance. It's when you read the bill further in, it talks about the Ombudsman shall have access to the complainant's tax returns and return information required to be filed pursuant to Title 14.

"In this investigation, it sounds to me like he would be able to get other return information. Again, if it's just information having to do with this complainant, he doesn't need this bill. That person can simply provide him with any information he needs.

"My concern is that this gives the Ombudsman a great deal of latitude where he could then in connection, with this person's complaint, get other tax returns from the Tax Department.

"The bill goes on to amend, at least three other parts of the HRS statutes that have to do with tax returns. I'm concerned that, while this is very narrow, once we make these changes in the law, giving the Ombudsman the right to get this information, people's personal tax returns, it will take very little to broaden it in the future. I don't know exactly who or what parties are interested in giving this power to the Ombudsman, but I think it has the effect, it could create a lot of mischief in getting people's tax returns in the hands of a much larger group than is now allowed in our laws. So for those reasons, I'll be voting no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 439, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 79-06 and H.B. No. 2271, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 80-06 and H.B. No. 1878, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 81-06 and H.B. No. 2265, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2265, HD 2, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition to 81-06. Thank you. This bill transfers the supervisory and counseling functions, positions, and employees of the field service branch from the Hawaii Paroling Authority to the Department of Public Safety. The bill also requires HPA to meet to discuss the effect of transfer of these functions.

"The Hawaii Paroling Authority testified that this bill will drastically undermine the historical authority that has been vested in the Hawaii Paroling Authority. The measure eliminates the Parole Board's ability to render decisions without outside interference and will delay the timely rendering of parole revocation decisions, which directly affects the public's safety, Mr. Speaker.

"The Hawaii Paroling Authority was not consulted by the sponsors of this measure prior to its introduction. I believe this measure represents a complete change to current law, parole policy, and practices and was introduced without the input of the agency with the most knowledge about all matters involving parole. So for those reasons, Mr. Speaker, I'm going to vote no on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2265, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 40 ayes to 8 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 82-06 and H.B. No. 3242, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3242, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"In opposition. I think this bill would go too far as it would give both those under the age of 21 who consume alcohol a criminal penalty. I think a penalty of a fine would suffice. But making it criminal, it is a little too harsh. So for those reasons I'm going no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Cabanilla, Halford, Karamatsu, Meyer, Sonson and Tsuji voting no, and with Representatives Abinsay, Souki and Stonebraker being excused.

At 5:39 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2848, HD 2, SD 2, CD 1
 H.B. No. 1706, HD 3, SD 1, CD 1
 H.B. No. 439, HD 1, SD 2, CD 1
 H.B. No. 2271, HD 1, SD 2, CD 1
 H.B. No. 1878, SD 1, CD 1
 H.B. No. 2265, HD 2, SD 1, CD 1
 H.B. No. 3242, SD 1, CD 1

Conf. Com. Rep. No. 83-06 and H.B. No. 2410, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 84-06 and H.B. No. 1995, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 85-06 and H.B. No. 2146, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2146, HD 1, SD 1, CD 1 pass Final 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 HB2146, HD1, SD1, CD1. Passage of this measure will aid the agricultural industry in Hawaii. HB 2146 will allow certain agricultural lands to be subdivided without county subdivision practices. Large landowners will be able to easily divide and lease land to small farmers.

"Currently, infrastructure improvements mandated by county law often make land too expensive for farmers to lease at reasonable rates. In addition, farmers are unable to secure financial loans for long-term leases. Lastly, today's farmers are unable to secure long-term leases on land divided by Hawaii's big land owners, and must lease under uncertain month to month conditions.

"Passage of this measure will allow agricultural lots to be leased at affordable rates, and will greatly aid small farmers in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 86-06 and H.B. No. 237, HD 3, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 237, HD 3, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise to speak in favor of this measure. Aside from the increase in the standard deduction and widening the income tax brackets and other tax relief measures, this bill before us ..."

Representative Say rose, stating:

"Mr. Speaker, I believe she's on the wrong bill."

The Chair then stated:

"Yes. Representative, we're on Conference Committee Report 86-06."

Representative Marumoto continued, stating:

"Aside from those bills, yes, Mr. Speaker, I think the bill before us is the best news taxpayers will get this year. I am speaking to House Bill 237, HD 3, SD 1, CD 1, Relating to Torts. Given the large volume of lawsuits against the government, both State and county, the abolition of joint and civil liability will save the State and counties significant amounts of money, and that's taxpayer's money.

"Government has always been the deep pocket. The one that ends up paying the bill. This bill will button that pocket up. If enacted, this measure will no longer leave the State stuck with paying 100% of the cost, if determined, let's say only 5% liable or negligent. Government will now pay its fair share.

"Everyday we hear that we live in a litigious society. We are sue happy. The State and counties are often the target and this change in the law will serve to discourage people and lawyers from taking us to court. Now what we need is a law to extend it to the private sector as well. It is an excellent bill and would recommend a yes vote. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 87-06 and H.B. No. 2805, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 88-06 and H.B. No. 2708, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2708, HD 2, SD 2, CD 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:

"Mr. Speaker, I rise in strong support of this bill. This bill was

introduced to prevent what is known as 'billboard creep'.

"Back in the 1920s a group of innovative women formed the Outdoor Circle. In 1927, this group was able to get legislation passed eliminating all billboards from the Territory of Hawaii. It is up to us to preserve this legacy and keep Hawaii's natural beauty unscathed by hideous and obtrusive billboards.

"Marketers and advertisers have found a loop-hole in our laws by using mobile billboards instead of stationary ones.

"Mr. Speaker, it says in the State Constitution: 'For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty.'

"We don't want our cities to look like other cities. Our cities are beautiful exactly because the beautiful vistas are not obscured by ads for light beer or fast food restaurants.

"Can you imagine the Hana Highway lined with billboard ads, blocking the picturesque mountains and ocean views? Huge trucks plastered with ads, parked all over our cities, distracting drivers and increasing the chances of an accident. Billboards of all types: traditional, mobile, mechanical, aerial, etc., would create a visual pollution against Hawaii's scenic backdrop.

"Hawaii is rightly proud to be one of four states that has a total ban on billboards. As Bob Loy from the Outdoor Circle said, 'It's an important part of our culture, the absence of billboards.'

"Fellow legislators, let's do everything we can to take care of this beautiful *aina* for generations to come."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 89-06 and H.B. No. 1968, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1968, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Luke's written remarks are as follows:

"In order to clarify in advance, any possible ambiguity that might arise from the language of the Committee Report and the language of HB 1968, HD 1, I would like to make the following comment. The bill states clearly, and it is the intent of the Legislature, that the limitation on purchase by a single household from a single wine shipper is a maximum of 6 nine-liter cases of wine, annually. Nothing in the bill restricts a household from purchasing wine directly from more than one wine shipper during a one-year period, provided of course that the wine shipper meets all of the other statutory requirements specified in HB 1968, CD 1."

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. The purpose of this bill is to establish a permit system for direct shipment of wine to Hawaii's residents.

"I would like to clarify the following language found in the Conference Committee Report Number 89-06: "As such, your Committee on Conference would like to emphasize that this bill specifically provides that households can receive no more than six nine-liter cases of wine annually."

"This statement is broader than the language of our intent stated in the bill found on page 1, section 1, line 17 through page 2, section 1, line 3: "(b) The holder of a direct wine shipper permit may sell and annually ship to any person twenty-one years of age or older in the country that issued the permit, no more than six nine-liter cases of wine per household for personal use only and not for resale, and shall:"

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

At 5:42 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2410, HD 1, SD 2, CD 1
H.B. No. 1995, HD 1, SD 2, CD 1
H.B. No. 2146, HD 1, SD 1, CD 1
H.B. No. 237, HD 3, SD 1, CD 1
H.B. No. 2805, SD 1, CD 1
H.B. No. 2708, HD 2, SD 2, CD 1
H.B. No. 1968, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 90-06 and H.B. No. 3225, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3225, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Cabanilla's written remarks are as follows:

"I rise in support of this measure, Mr. Speaker.

"The condominium industry is a governing entity within itself that impacts association members' ability to maintain their investment - that being their home.

"Over the years, it has become apparent that there are inequalities within the relationship between management and the individual owner within condominium associations. This disparity impedes the condominium owners' mobility to change and amend its own governing documents and thus ensure that their investment is preserved.

"This bill was crafted in part with the intentions of lessening the inequalities between individual owners and management by clarifying and codifying the means and methods in which to remedy these inequalities with a level of self-governance that promotes greater participation in association affairs for all members.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

CONDOMINIUMS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 91-06 and H.B. No. 1871, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 92-06 and H.B. No. 3016, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 93-06 and H.B. No. 2299, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2299, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 94-06 and H.B. No. 3256, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 95-06 and H.B. No. 1021, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 96-06 and H.B. No. 2211, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2211, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

At 5:44 o'clock p.m., the Chair noted that the following bills

passed Final Reading:

H.B. No. 3225, HD 1, SD 1, CD 1
H.B. No. 1871, HD 1, SD 2, CD 1
H.B. No. 3016, HD 1, SD 1, CD 1
H.B. No. 2299, HD 1, SD 1, CD 1
H.B. No. 3256, HD 1, SD 1, CD 1
H.B. No. 1021, HD 2, SD 2, CD 1
H.B. No. 2211, HD 1, SD 1, CD 1

At 5:44 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 5:50 o'clock p.m.

Conf. Com. Rep. No. 100-06 and H.B. No. 2950, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and H.B. No. 2950, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," were recommitted to the Committee on Conference, with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 97-06 and H.B. No. 2691, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2691, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. The purpose of this bill is to establish a joint labor management committee to institute an action for injunctive and other relief against an employer that fails to pay its employees a prevailing wage. The bill has several problems, Mr. Speaker.

"The Department of Labor and Industrial Relations testified that the bill may not serve the best interest of local businesses because the power given to the labor management committee, to bring injunctive action or any relief against any employer who fails to pay prevailing wages is overbroad and gives standing to individuals who would otherwise have no connection to any investigation under Chapter 104.

"This presents a potential conflict for abuse. Since DLNR, is forced to examine even more businesses to see if they paid a prevailing wage, the Department will lack the resources to carry out the provisions of the bill because they are already understaffed and lack the appropriate funds to carry out the measures proposed under this bill.

"And from the Associated Builder's and Contractor's Incorporated and other construction companies all across the State, they testify that within most businesses, there are often clerical errors. Under this bill, businesses will face harsh penalties for violating provisions of this proposed act. This bill leaves little room for honest mistakes.

"The purpose of Chapter 104 is to protect workers on government jobs to ensure they are paid a prevailing wage. It is not a union-organizing tool or a means to eliminate competition."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. What I'd like to do is maybe share some real life experiences of what

it's like really down there in the trenches and signatory versus non-signatory companies, which I believe this is what this is an attempt to do. I believe this is an attempt to do what I have coined as 'unionization through legislation'.

"What truly happens and will happen with this measure is that we find labor management committees embedded in the labor trade unions, we find them in a very upstanding organizations like the Pacific Resource Partners. What happens is if a member of the committee gets a little excited about wanting to look at non-signatory companies to see whether or not they are in fact following the prevailing wage.

"Through this particular measure, they will have the ability to go into the books, take a look, and see whether or not there are any clerical, other errors, or other prevailing wage errors. This is like allowing Hawaiian Airlines to look at the books of Aloha Airlines, or allowing McDonald's to look at the books of Burger King, and then having the ability to bring a civil action for injunctive relief and perhaps penalties.

"In the real life, what happens is these labor management committees are able to get the information on certified payrolls and if they find a \$50 error or a \$100 error in the payroll, what they can do is go to the home of the employees of the non-signatory companies. This is public information. Home addresses are in the hands, can be in the hands of this labor management committee.

"Now what employee with someone knocking at their door saying, 'You've been ripped off by your employer. Come join us, we'll help you sue. We'll help you get your \$50 back or your \$100 back. Not only that, we'll bring charges and then maybe after 3 strikes, 2 strikes, your boss will be out of business.'

"This is not a good way to manage. This is not a good way by switching authority to a organization, a labor management organization, which has a hidden agenda and which could make competition in this State very difficult and will also drive many private, non-signatory, hard working, local businesses, employers, people that have their homes, their families on the line to be able to bid for contracts to do the very work that we in the State need in affordable housing, agricultural infrastructure. You name it, all those wonderful things and important things that we need to do for our people, we are going to damage our own hard working small business owners by setting this labor management group loose, loose on our people. Thank you."

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

"Mr. Speaker, brief comments in support. I just wanted to correct some misstatements. If you read the HRS on prevailing wages, right now they have the access to the certified payroll. It's by statute. It's not changing anything in that regard. They don't have the right to come in and look at everything in the books, but they do have a right to the certified payroll under existing HRS statutes.

"So what we're doing here, Mr. Speaker, is as we heard from previous speakers is that the DLIR is understaffed and unable to do the job they're supposed to do with that 30,000 contractors in our State and to make sure in those cases where prevailing wage is to be paid, that in fact it is paid. And this provides the assistance to do that by having in those cases where it's a labor management agreement, to take action before a court. You have the protection of the courts here. It's not unilateral action by the labor management committee.

"For that reason, this is a good provision. It's trying to apply the law, to get it more applied more often, and to make sure that workers of our State that should be paid a prevailing wage are paid a prevailing wage. Thank you."

At 5:57 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:58 o'clock p.m.

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 creates a scenario for some serious mischief. As a short description of the bill says, it allows a joint labor management committee to institute an action for injunctive and other relief against any employer who fails to pay its employees the prevailing wage, regardless of whether there is a collective bargaining agreement in place or not.

"The joint labor management committee could be the carpenter's union, or the Pacific Resources Partnership. With this bill, we are giving the power to march into the jobsite of a union or non-union contractor and make demands that the contractor pay a particular employee what they believe the contractor owes. They can get a court order requiring specific action from the employer.

"Why would we want to encourage this kind of a confrontational situation? You have people that are competitors working in the same business. Under the present law, the aggrieved laborer can file a request with the Director of Labor who will get an investigator to remedy the situation and invoke requisite penalties.

"I got some information, I think we all got some information from the Director of the Department of Labor. These are some of the things he said, I sort of paraphrase them, but over a 5-year period the Department of Labor received 175 complaints. The Department investigates every complaint. In addition to responding to direct complaints from workers, the Department makes random payroll reviews to see if contractors are complying with prevailing wages.

"In 2005, the Department conducted 118 random compliance reviews. 66 were union companies. 52 were nonunion companies. Those reviews revealed monetary violations by 4 union companies and 2 nonunion companies. The Department of Labor uses discretion to determine *de minimis* violations. They are not trying to nickel and dime businesses. They are looking for major violations.

"Mr. Speaker, my fear is that the joint labor management committee, which could be as I said the Carpenter's Union, would use the power given to them under this bill to harass nonunion contractors. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2691, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Final Reading by a vote of 40 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay and Stonebraker being excused.

Representative M. Oshiro rose, stating:

"Mr. Speaker, just to clarify, a point of information, that the motion I made was for the passage of Final Reading of all House Bills and Senate Bills on page 14."

The Chair then stated:

"Except for Conference Report 100-06."

Conf. Com. Rep. No. 98-06 and H.B. No. 2412, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2412, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 99-06 and H.B. No. 2678, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2678, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, just brief comments in support. On 99-06. This is an example, Mr. Speaker, of a Representative learning of a problem and trying to do something about it. In this case it was the Representative who represents Kapahulu, Kaimuki, Waikiki, Ala Moana, and Diamond Head. Quite a conglomeration of districts.

"It deals with the case where if you have a State employee who is very sick and faced with life and death kind of conditions and then be faced with whether they're going to take their ordinary disability or not. There's strict timelines where they must do that and of course, they don't know exactly when they're going to be stepping off and not working anymore. And what this legislation does is it tries to address that in these extreme situations to make these people have an easier time of deciding when to do it. I just think it's a good example of doing the right thing and hearing from a constituent and then correcting the problem. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2678, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 101-06 and S.B. No. 2948, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2948, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support. Very, very briefly, this bill reflects the good faith effort on the part of the State to fulfill its trust obligations to the Hawaiian people. Thank you."

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

Representative Carroll's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support. It is a fact that the State's obligation to Native Hawaiians is firmly established in the State Constitution (See Haw. Const. Art. XII). Today, I ask my colleagues to please support SB 2948, CD 1.

"If enacted, this measure would mark a historic step toward honoring the State's obligation under Article XII, Section 6 of the State Constitution. It would establish \$15 million annually, beginning in fiscal year 2005-2006, as the income and proceeds from the pro rata portion of the public land trust under Article XII, Section

6 for expenditure by the Office of Hawaiian Affairs (OHA). It would also appropriate \$17.5 million for fiscal year 2005-2006 to pay OHA certain amounts received from the use of lands in the public land trust that were underpaid between July 1, 2001 through June 30, 2005. More importantly, it will improve the betterment of conditions of Native Hawaiians.

"Furthermore, this bill would require the Department of Land and Natural Resources to provide by January 1 of each year, an accounting of all receipts from lands described in section 5(f) of the Admissions Act for the prior fiscal year. Information of this nature is important to decision makers seeking to determine what is owed and what has been paid to OHA.

"While this measure represents an interim resolution of sorts, it does not resolve or settle all of OHA's claims to public land trust proceeds.

"Further negotiations and future legislation will likely be needed. However, the measure will result in a degree of stability of OHA's land trust revenues.

"Mr. Speaker, it is not often that we can play a role in truly historic events. This is one such occasion.

"For these reasons, I strongly support the bill and urge all Members to support it too. 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. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 102-06 and S.B. No. 3119, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3119, SD 2, HD 1, CD 1 pass Final 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. I will also request permission to insert comments. And very basically, while this bill provides greater autonomy for the Hawaiian Homes Commission, it does so in a manner that poses financial risks to the Commission's beneficiaries and my page-long comments will be inserted. Again, I have great concerns because it appears that the responsibility that we would have to the Native Hawaiian beneficiaries are not suitably discharged by the passage of this bill. Thank you."

Representative Berg's written remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to Senate Bill 3119, SD 2, HD 1, CD 1.

"I oppose this measure primarily because I believe strongly in government accountability and responsibility. While this bill provides greater autonomy for the Hawaiian Homes Commission, it does so in a manner which poses financial risks to the Commission's Native Hawaiian beneficiaries. Furthermore, no other Executive department has the independence and ability to invest allocated funds in such a proposed manner. I am concerned about the precedent being established for Executive departments and also the constitutionality of allowing the Department of Hawaiian Homelands, in particular, to invest trust monies.

"This bill would allow the Department of Hawaiian Home Lands

to sidestep the statutory procedures that provide financial safeguards, oversight and accountability for the rest of the State's financial resources.

"This proposal in being made in the hopes that increased autonomy will translate into higher returns on invested funds, however I have grave concerns about the new responsibilities -- and accountability -- that such legislation would impose upon the DHHL.

"Our laws generally treat State funds conservatively, requiring investment in government bonds, notes, and related securities that have a maximum degree of safety and security. This conservative bias is the result of long and at times difficult experience. We have seen what can happen when oversight is lacking or not adequately monitored. Removing these requirements will potentially expose the trust funds of the Department of Hawaiian Homes to increased risk and potential losses.

"Along with more autonomy, the bill would exempt the Hawaiian Homes Commission from the responsibilities spelled out in Chapter 36 and 38, Hawaii Revised Statutes. Among other things, Chapter 36 makes the Director of Finance responsible for the safekeeping of all moneys paid into the State treasury, and establishes the requirement for keeping "a clear, distinct, and full record of all transactions and business". This bill, while exempting the Hawaiian Homes Commission from Chapter 36, would not provide for similar responsibilities to be shouldered by the Director of DHHL.

"Similarly, while exempting DHHL from Chapter 38, relating to deposits of public funds, this bill does not provide comparable restrictions on risk. For example, Chapter 38 provides that no more than 60 percent of all funds may be invested in one place, and requires that the beneficial effects of local investment be considered when selecting where to invest. Chapter 38 defines suitable investments that meet the fiduciary responsibilities of public officials. This bill, while exempting DHHL from Chapter 38, does not incorporate comparable safeguards. It is from this perspective and reasoning that I am compelled to vote against this proposed measure.

"I believe, Mr. Speaker, that the bottom line is that we, as a Legislature, have a fiduciary and moral responsibility to the Native Hawaiian beneficiaries of the Hawaiian Homes Commission which will not be suitably discharged by passage of this bill. Thank you."

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3119, SD 2, HD 1, CD 1, 'A Bill for an Act Relating to Hawaiian Home Lands.'

"The purpose of this measure is to allow the Hawaiian Homes Commission to deposit moneys in depositories other than the State treasury.

"This measure provides the Hawaiian Homes Commission with the necessary flexibility and authority to manage, invest, and reinvest funds to earn a higher return in the Hawaiian Home Lands Trust Fund. This measure is consistent with the intent of Act 302, Session Laws of Hawaii 2001, and is also a step in moving towards greater autonomy and self-determination for the Hawaiian Homes Commission. This measure has reinserted language specifying that the moneys from the trust that are deposited into depositories other than the State treasury are exempt from the requirements of Chapters 36 and 38.

"I ask that S.B. No. 3119, SD 2, HD 1, CD 1 pass Final Reading. 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. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Berg voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 103-06 and S.B. No. 895, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 6:05 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2691, SD 2, CD 1
H.B. No. 2412, HD 1, SD 1, CD 1
H.B. No. 2678, HD 2, SD 2, CD 1
S.B. No. 2948, SD 1, HD 2, CD 1
S.B. No. 3119, SD 2, HD 1, CD 1
S.B. No. 895, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 110-06 and S.B. No. 2158, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and S.B. No. 2158, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were recommitted to the Committee on Conference, with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 104-06 and S.B. No. 2901, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 105-06 and S.B. No. 2929, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 106-06 and S.B. No. 2065, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 107-06 and S.B. No. 2283, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 108-06 and S.B. No. 696, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 109-06 and S.B. No. 2922, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2922, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to Senate Bill 2992. Mr. Speaker, this bill contains several good administrative and housekeeping provisions and I support all of these measures in this bill.

"However, bill does one thing, that after reviewing it, I find so radical that I must oppose the entire bill. If we pass Senate Bill 2992, it will repeal the current law that limits corporations from making more than a \$1,000 in campaign contributions in any election period.

"Federal law provides for a complete ban on corporate contributions to congressional candidates, but Hawaii law allows corporations to allocate no more than a \$1,000 among corporations, among candidates and Political Action Committees. Without the \$1,000 corporate donation limit, a single corporation could donate over \$100,000 to a dozen candidates all within the per candidate contribution limits of \$2,000, \$4,000, or \$6,000. This would increase the aggregate corporate contributions over a 1,000%, from \$1,000 to a \$100,000.

"I believe this change in this law is too drastic and I cannot support it. Instead of decreasing the influence of money in the legislative process, I believe this bill will greatly enhance corporate influence in election campaigns and the legislative process. If this bill passes, it will not only take effect immediately, but would reach back to January 1st, and have all corporate contributions not count towards any aggregate donation limit. This is as if no corporation, no corporate limit ever existed.

"I believe the voting public has had a very cynical view of this Legislature. Many often wonder in whose interest we sometimes act. Very recently, until I was privileged to be a part of this Chamber, I too had the same attitude. The majority of our Legislators usually hold campaign fundraisers during the legislative session in the very period that bills are being decided upon.

"As I look out to the skies, I'm anticipating Lear jets coming in from Texas. Why? Because the oil companies are coming to town with their big pockets. As I look at the faces walking the streets of Honolulu, the employees of the small business community that will soon be without health care insurance because of the lack of rate regulation, I know that campaign contributions from corporations must have some semblance of control so that we can get back to the

business of the people. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I was very pleased to see the limits this Body placed last year on campaign contributions. Since I run my campaigns with relatively little money and believe that all of us should do likewise. I stood on this Floor at that time that I believe this measure was intended to limit contributions to our Governor. And I also stated that I thought that this Body would be back this year after it was realized that that bill would hamper entities from legally donating to us. Well here we are.

"I believe if we deemed it necessary to change the law, we should not put those changes in effect for the current election cycle. In any case we should not put an artificial cap on the statute of limitations on actions of the Campaign Spending Commission. I think you all need to look at that. It'll not only be becoming retroactive with our contribution receipts, but we're saying Campaign Spending can only go back five years. Thank you."

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

"Thank you, in support. I wanted to address some of the concerns raised. First of all, there was no limitation on corporate contributions before January 1st, '06, Mr. Speaker. This was a law that we put into effect last year and as a result of us passing this law, there has been a lot of confusion.

"In fact, the Attorney General came out and specifically stated that as a result of the unintended consequences of the law, Campaign Finance Reform Law, that we passed, there has been lot of confusion. In fact, the interpretation by the Attorney General is not only that the corporation can only put in \$1,000 into the PAC. It can only expend \$1,000 out of its PAC. What that does is it creates a 'first come, first serve' mentality, so whoever can reach the corporate PAC first, they'll get the benefit of the amount and the rest of the candidates after the \$1,000 runs out is pretty much out of luck. I think the 'first come, first serve' mentality has never been our intent.

"In fact, in the *Advertiser*, even Sam Aiona, the Republican Party Chair, has admitted that as a result of this portion of the law, it has created a lot of confusion even within the party structure itself and there has been lot of urging for us to relook at this law.

"The Campaign Spending Commission actually supports this bill. It was a lot of compromise and we put a lot of their input into this bill and when we looked at the retroactivity of especially the corporate contribution portion, it was at the suggestion of the Campaign Spending Commission. I believe the House Conferees were a little hesitant in doing that because of the comments by the Representative from Kapolei urging us not to do a retro, but it was actually the Campaign Spending Commission who came in and asked that it be retroactive because she has said that she doesn't want unclarity in law just to survive for four months.

"As far as the statute of limitations for the Campaign Spending Commission, there is a statute of limitations that applies for criminal proceedings. So for instance if someone is caught with a campaign violation, the criminal proceeding portion is a five year statute of limitations so it is pretty much mirroring that portion to the Campaign Spending Commission. So that the Campaign Spending Commission out of fairness to both the parties doesn't go back 20 years and catch people off guard. Thank you."

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against the measure. Thank you. Mr. Speaker, I actually would like to request that three short paragraphs from the Sierra Club be inserted

in the Journal."

The Chair then stated:

"Why don't you read it."

Representative Thielen: "You want me to read it?"

Vice Speaker Takai: "Yes."

Representative Thielen continued, stating:

"I'm quoting from the Sierra Club:

Couched as a "housekeeping" amendment to last year's campaign finance measure, SB 2922 CD 1, would allow corporations and organizations to donate an unlimited amount of money to a non-candidate political action committee. The key language in the bill reads, "Each...corporation, limited liability company, partnership, association, or organization, may transfer an unlimited amount of money from its own funds to its respective non-candidate committee in an election period..."

While the bill would allow unlimited funding by corporations and organizations, it would cap the amount an individual could donate. By passing this measure you are, in essence, elevating the interest of corporations above residents.

You can address the technical fixes to the campaign spending law next year, but the Sierra Club, Hawaii Chapter strongly urges you not to pass SB 2922 CD 1. It gives corporations the ability to unduly influence our democratic political process.

"And the letter is signed by Jeff Mikulina, the Executive Director of Sierra Club, Hawaii Chapter. These are very persuasive arguments, Mr. Speaker. And I would say that I've received probably over 200 e-mails from throughout the State. It's not been focused just in one area, but in 200 or more, e-mails all resoundingly against this bill, and I am voting no on the bill."

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you Mr. Speaker. In regards to this bill, one thing that is very correct is that this bill from last year's campaign spending reform did cause a lot of confusion. And let me just state that I did speak with the AG, the Attorney General, in regards to his opinion and it is correct that he believes that the campaign spending reform that was passed last year, did not have the intention of restricting those corporation campaign contributions.

"However, he did say also that he did not support one way or the other what we do with that policy. He just said that he didn't think that that was the intention. So this gives us the opportunity at this point and time, instead of loosening it up, according to the decision of the Campaign Spending Commission, instead of loosening it up, we actually have the opportunity to tighten up the language. To say that we want to restrict corporate donations.

"So what the AG's opinion was, was not based on policy. It was based on the fact that he agreed that he didn't think that that was the intention of the Legislature. That's two different things, Mr. Speaker.

"The other thing is in regards to the Campaign Spending Commission, I believe that what had happened in regards to the retroactive date, it was basically the retroactive date occurred or they were supportive of the retroactive date because they didn't want two different policies from January to July 1st. And what they said was, 'If you're going to move in this direction, we agree that it should be retroactive.' But I do not think and we can check, but I do not think that they were okay with the policy direction of going with the opening it up to unlimited campaign donations from corporations.

Those are two very different things, Mr. Speaker.

"If we have the ability to change the policy, to say we're going to restrict corporate contributions and we did not do that. Mr. Speaker, the other thing is some of us did play fair. We went, and in regards to the Republican Party, took the opinion of the Campaign Spending Commission and as we were asking for contributions for our fundraisers, looked through the opinion and collected money on the opinions of the Campaign Spending Commission. This was tens of thousands of dollars that was turned away by the Hawaii Republican Party and on top of that, after going through due diligence and making sure that all the checks and balances were in place. After the fundraiser, the Hawaii Republican Party returned around \$15,700. I had it on a piece of paper and I can't find it amongst all my material. However, I believe it was about \$15,700 that was returned in checks because they went upon this particular Campaign Spending Commission decision.

"Mr. Speaker, if we're going to be talking about fairness, if we're going to be talking about trust in government, then we should be looking at this measure to actually, even if it wasn't the intent of the Legislature last year, we should really be looking at limiting the corporate donations. To not influence the decisions, heavily influence the decisions here at the State Capitol. Thank you very much."

At 6:20 o'clock p.m., Representative Luke requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:24 o'clock p.m.

On motion by Representative Luke, seconded by Representative B. Oshiro and carried, the report of the Committee and S.B. No. 2922, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were recommitted to the Committee on Conference, with Representatives Abinsay, Saiki and Stonebraker being excused.

At 6:25 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2901, HD 1, CD 1
S.B. No. 2929, HD 1, CD 1
S.B. No. 2065, SD 2, HD 1, CD 1
S.B. No. 2283, SD 1, HD 1, CD 1
S.B. No. 696, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 111-06 and S.B. No. 2159, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 112-06 and S.B. No. 2193, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2193, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Cabanilla written remarks are as follows:

"I rise in support of this measure, Mr. Speaker, with reservations.

"This bill was crafted to provide members within a Planned Community Association unfettered access to their association documents.

"This was accomplished in the bill by permitting the membership to access their association's financial statements for the duration the member is paying the association to store the materials. This is a sound, good business practice to employ.

"However, the bill has been drastically watered down. I want to go on record to state that I do not agree with two particular amendments that were made that were never of party to the original intent of the bill and not in any draft prior to the Conference Draft.

"First, the bill now removes the membership's ability to know how the board of directors voted on expenditures. Prior to this bill, the board was required to document and record in the meeting minutes how each board member voted on motions. To take away this form of transparency perplexes me.

"Secondly, in addition to taking the right away of the membership to know how the board voted on expenditures, it also permits a board member with a conflict of interest to vote on expenditures that the board member may profit from.

"Thank you, Mr. Speaker."

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

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

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

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

Representative Cabanilla rose, stating:

"My apologies, Mr. Speaker, what I meant to say is that I'm in support with reservations. 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. 2193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Morita voting no, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 113-06 and S.B. No. 2290, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 114-06 and S.B. No. 2292, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A

BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 115-06 and S.B. No. 2293, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 116-06 and S.B. No. 2887, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2887, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Conf. Com. Report 116-06, SB2887, S.D. 1, H.D. 1, CD. 1

"Mr. Speaker, vocational, technical, and career pathway education classes provide students with opportunities to apply knowledge and skills to real-life work experiences. These classes also help students to develop the technical, academic, employability, and life skills needed for a career or post-secondary education.

"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. The purpose of this measure is to increase the number of vocational, technical, and career pathway education teachers by directing the Hawaii Teachers Standards Board to set alternative criteria and establish other measures of qualification necessary for these types of teachers to meet licensing standards. In the end, this measure will help the Department of Education to mitigate the shortage of vocational, technical, and career pathway education teachers. 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 my colleagues to support this measure."

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, SD1, HD1, CD1. 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."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 117-06 and S.B. No. 2090, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2090, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"In strong support, Mr. Speaker. Just 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. 2090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

At 6:28 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2159, SD 2, HD 1, CD 1
 S.B. No. 2193, SD 1, HD 1, CD 1
 S.B. No. 2290, SD 2, HD 1, CD 1
 S.B. No. 2292, SD 2, HD 1, CD 1
 S.B. No. 2293, SD 2, HD 1, CD 1
 S.B. No. 2887, SD 1, HD 1, CD 1
 S.B. No. 2090, SD 2, HD 1, CD 1

At 6:28 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 6:29 o'clock p.m.

Conf. Com. Rep. No. 118-06 and S.B. No. 3077, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3077, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. It seems like they're always at the top of the page. This is Relating to Conservation. I rise in opposition. Thank you.

"I have concerns about the constitutionality of this bill. Separation of power between our Executive and Legislative branches provide the necessary checks and balances that maintain our democracy and uphold the people's trust in our elected offices. It is in the best interest of the people of Hawaii for our part-time legislative body to focus on passing laws and abstaining from assuming authority in the year-round management of departments.

"The potential of legislative disapproval of State acquisitions will have a distressing effect on the willingness of landowners and outside funders like the federal government. The required consultation provision of the bill of land and natural resources where the Senate President and the Speaker of the House prior to selling, leasing, or convey lands will hamper the timely process, which will be important to acquiring sensitive properties such as agricultural lands in the path of development.

"I'm very concerned with the overreaching authority this measure presents and ask for your no vote to ensure our Constitution's separation of power."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 119-06 and S.B. No. 3000, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3000, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3003, SD 2, HD 1, CD 1, entitled: 'A Bill for an Act Relating to Housing.'

"The purpose of the measure is to implement recommendations of the Joint Legislative Housing and Homeless Task Force with regard to streamlining government approvals and permitting for affordable housing.

"One of the findings addressed the need to expedite the permitting process for affordable housing authorized under Section 201G-118, Hawaii Revised Statutes, has had only limited success, because applications for affordable housing projects must be negotiated with reviewing agencies before they can be deemed complete, and there is no time limit for this process. Shortening the length of the approvals process will assist in reducing the overall development costs of affordable housing projects.

"This measure seeks to facilitate these specific recommendations of the taskforce for government approvals and permitting for affordable housing by:

Requiring that State agencies, in the permit review process, give affordable housing projects priority processing;

Amending Chapter 46, Hawaii Revised Statutes relating to the general jurisdiction and powers of the counties, to provide greater flexibility in approving affordable housing projects by waiving certain requirements for infrastructure; and

Amending section 201G-118, Hawaii Revised statutes, to improve

and further streamline the fast-track permitting process for affordable housing projects.

"This measure facilitates the recommendations by requiring reviewing agencies to respond within forty-five days of receipt of an application, or the application will be deemed acceptable as submitted for review; and

"Allowing county councils and the Land Use Commission to approve projects with modifications, as well as approve or deny. The effective date is July, 1, 2006.

"I recommend that S.B. No. 3000, SD 2, HD 1, CD 1 pass Final Reading. Thank you, Mr. Speaker."

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

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I stand in support of Senate Bill 3000 S.D.2. Mr. Speaker, this bill will expedite approval and permitting process for affordable housing projects. This bill addresses the shortage of affordable housing units that affect all our citizens, not just people with low income. This piece of legislation would require agencies in the land use permit review process to expedite the review of applications for affordable housing projects. This piece of legislation would also authorize the counties to waive certain infrastructure requirements for affordable housing projects and amend the process for approved housing projects exempt from planning, zoning and construction standards.

"In section two of this bill, it would amend Section 46-14.5 of the Hawaii Revised Statutes by providing the counties flexibility in land use density provisions and public facility infrastructure requirements for low-income rental projects. Section three would amend section 91-13.5 of the HRS requiring any agency that reviews and comments upon an application for a business or development-related permit, license, or approval for a housing project under section 201G-118 shall respond within 45 days of receipt of the application, or the application shall be deemed approved as submitted to the agency. Finally in section 4, this bill proposes to amend section 201G-118 to clarify that the County legislative body has 45 days to approve, approve with modifications or disapprove an application made under this section of 201G-118.

"Under the 201G process it will provide four key points. First this will allow developers to access government housing programs funds earmarked for low-income federal tax credits. Next, housing project for rental or for sale must provide at least 50% of the units to families in the 120% or 140% HUD median income groups, depending on the County. In this particular section of the 201G process, homebuyers are subject to buy-back, income requirements to qualify, and shared appreciation for resale of units. Third, the developer may choose to go through either the State HCDCH or county for the 201G process. Finally, once the application has been "deemed complete" by the reviewing agencies, it is submitted to the Council, which has 45 days to approve or disapprove the project.

"Aside from the 201G process, currently, there is no formal government permitting process to assist affordable housing projects. Counties require affordable housing through inclusionary zoning conditions placed on developers during the land use entitlement process either at zoning or through other unilateral agreements. This is where the county requires a certain percentage of the 15% to 30% must be provided to people in identified HUD median income categories for each county.

"In general, local government has set up a standard process that applies to all housing projects/developments. The 201G process was an attempt to provide an alternative, expedited process for those projects that provided at least 50% of the units as affordable. More

recently, many of the counties have had limited success with providing an expedited review by committee for certain affordable housing.

"Mr. Speaker, I strongly support this bill as it attempts to improve the 201G process and clarify the county council's decision-making authority. 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. 3000, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 120-06 and S.B. No. 2774, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2774, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of Senate bill 2774 S.D.2. Mr. Speaker, the purpose of this bill is to assist families who may lose their homes due to the closure of plantations such as Del Monte Fresh Produce by making plantation community subdivisions a permitted use under agricultural land use district classification and zoning.

"Mr. Speaker, Senate bill 2774 will assist plantation communities such as Kunia and Poamoho by allowing current nonconforming use on land zoned agricultural. The bill will also facilitate a proposed City resolution to legitimize plantation community subdivisions. Less than a handful of communities would fall into the definition of plantation community subdivisions. Kunia and Poamoho Camps have been operating as an employee and retiree housing for the pineapple plantation for more than seventy years.

"The current process in gaining government approval for existing plantation camps is long. The ILWU has been working with Del Monte workers and retirees at Poamoho Camp for City approval of existing use. However, despite tremendous support, cooperation and effort by the City Administration and the City Council, the process has gone on for more than ten months. In the meantime, costs have been incurred by the current Poamoho landowner for attorneys and planners – costs that will later be passed on to the residents whose limited resources will be needed to take on the struggle of operating the plantation camps themselves."

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 2774, SD 2, HD 1, CD 1, entitled: 'A Bill for an Act Relating to Housing.'

"The closure of Del Monte Fresh Produce will result in significant negative impacts to Kunia pineapple workers. Housing ranks among their primary concerns. Currently, many employees and their families live in plantation homes owned by the company at Kunia Camp. With the closure of Del Monte Fresh Produce, many of these families face the possibility of losing their homes. Housing is a fundamental need, to which every person should have access.

"With the loss of their jobs, many employees will undergo a

transition period as they seek new employment, participate in job training programs, or seek other opportunities. During this stressful period of transition, these employees must be assured that their homes are secured and protected from any action that might declare them to be an impermissible or illegal land use, in the event that those units may require permits for renovation or reconstruction at some time in the future.

"The purpose of this Act is to make plantation community subdivisions such as Kunia Camp a permitted rather than nonconforming use within the State agricultural land use district.

"This measure assures that the employees and former employees who live in plantation communities must be assured that their homes are secure and protected from any action that might declare them to be an impermissible or illegal land use, in the event that those units may require permits for renovation or reconstruction at some time in the future.

"Additionally this measure address the concern of the Department of Planning and Permitting of the City and County of Honolulu that as drafted, plantation dwellings could be demolished, rebuilt, and sold or rented to others, thus erasing all elements of plantation camp or rural living without providing the current residents a means to address the existing substandard infrastructure, however, these concerns can be addressed in the county planning and permitting process, and by the residents' plan to establish cooperative ownership under a restrictive covenant that would restrict sale or even rental of the homes. It addresses the concern that the residents will have major difficulties seeking funds to upgrade substandard plantation camp infrastructure if these itself remain nonconforming under State law.

"I recommend that S.B. No. 2774, SD 2, HD 1, CD 1 pass Final Reading. Thank you, Mr. Speaker."

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 Senate Bill No. 2774, Conference Draft 1, Relating To Housing.

"This bill would help address the housing needs of the displaced Del Monte workers who reside in Kunia Camp and Poamoho Camp by placing a 'grandfather' provision for the homes to become permitted uses on agricultural land.

"The residents of Poamoho Camp are currently facing the crisis of living in homes that do not fall under permitted uses. Although a private individual purchased the land, the homes do not have the required permits from the county. Under the State land use law, agricultural/farm housing is a permitted use on agricultural land. After the departure of Del Monte Fresh from operations in Hawaii, the camp's farm housing no longer fits the definition of a permitted use. The residents of Kunia Camp will face the same problem even if the land is purchased for them.

"House Bill 2774, Conference Draft 1, is a positive step in protecting the community and hence culture of the traditional plantation camp community. The residents of these camps have lived there for generations and dedicated their lives to the production and cultivation of Hawaii's agricultural crops. Allowing these citizens to continue the traditional plantation lifestyle perpetuates the history of Hawaii's agricultural industry.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

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 written remarks are as follows:

"I rise in support. The purpose of this measure is to assist families who may lose their homes due to the closure of plantations such as Del Monte Fresh Produce by making plantation community subdivisions a permitted use in the state agricultural land use district.

"This measure will help many workers adjust from the loss of their livelihood on plantations that closed production. 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. 2774, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 121-06 and S.B. No. 3111, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3111, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"The purpose of this measure is to establish a commission to recognize and honor Congresswoman Patsy T. Mink and appropriate funds for the commission.

"Mr. Speaker it is only appropriate that we acknowledge and honor the late Patsy T. Mink and all she has done in her public service life in improving Hawaii, America and most of all ... equity for women.

"Her legacy and accomplishments will live forever now that we have establish this commission commemorating Patsy T. Mink."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3111, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 122-06 and S.B. No. 2727, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2727, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 123-06 and S.B. No. 439, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 439, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 124-06 and S.B. No. 467, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 467, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to just stand in strong support on 124-06. I will insert written comments in the Journal. But I would like to say that after so many years of trying, it's really a pleasure to see this bill pass. I don't know whether Kat Brady is up in the gallery because I can't see. Kirk tried to get applause for somebody before so I don't know if you'll approve it Mr. Speaker. But Kat has been working on this bill for eight years. It's been a measure that the Women's Caucus has supported over the years. And it really is a great day for incarcerated women, and I think it would only help to bring them out of their cycle of poverty, substance abuse and help them with their literally finding jobs and becoming better parents. So I'm going to insert the written comments, but I would just like to say that I'm very, very happy for women today. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"The pathways to criminality for female offenders are not the same as those for male offenders. Very often female offenders have existing problems with sexual abuse, poverty, substance abuse, single-parenthood and un- or under-employment. Yet once women and girls who are convicted of crimes reach prison, there is not enough being done to address the issues that lead them to commit crimes. Men also could use more assistance with these issues, but inside the correctional facilities there are a wide array of programs for males. For females the options are much more limited.

"After so many years of trying, this bill would help to remedy that inequity. For too long the Department of Public Safety has been failing to address the needs of female offenders to the same extent as the needs of males. It has only been by luck that to date no females have sued to address the situation. Why wait for a lawsuit, Mr. Speaker? This bill demonstrates our intent that the Department of Public Safety must begin to take the needs of female offenders, and gender equity in general, more seriously. With the appropriations in the bill the Department may take the first steps in that direction.

"I urge my colleagues to support this Women's Caucus measure. Thank you."

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

"Thank you, Mr. Speaker. I'm also rising in supporting of this measure. Mr. Speaker, I would like adopt the spoken words of the Representative from Mililani and just add that I believe that we should call this bill the Kat Brady Bill, and my thanks to her."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 467, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 6:34 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3077, SD 2, HD 2, CD 1
S.B. No. 3000, SD 2, HD 1, CD 1

S.B. No. 2774, SD 2, HD 1, CD 1
S.B. No. 3111, SD 1, HD 1, CD 1
S.B. No. 2727, SD 1, HD 2, CD 1
S.B. No. 439, HD 2, CD 1
S.B. No. 467, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 125-06 and S.B. No. 1294, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1294, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 126-06 and S.B. No. 2898, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2898, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I like to ask for a ruling on a potential conflict of interest. Similar to the other times that we addressed this bill, at my law firm, I represent the HHSC on procurement matters," and the Chair ruled "you are excused from this vote."

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

"Thank you. Mr. Speaker, I also would like to request a decision on a potential conflict of interest. I believe that when I work in emergency departments, the HHSC is my employer and they probably have to go through the procurement process for my contract," 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. 2898, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Herkes voting no, and with Representatives Abinsay, Nakasone, B. Oshiro and Stonebraker being excused.

Conf. Com. Rep. No. 127-06 and S.B. No. 2720, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2720, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 128-06 and S.B. No. 3072, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3072, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 129-06 and S.B. No. 2343, SD 2, HD 2,

CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2343, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 130-06 and S.B. No. 2145, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2145, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 131-06 and S.B. No. 2957, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2957, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 6:36 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1294, SD 2, HD 1, CD 1
 S.B. No. 2898, SD 2, HD 2, CD 1
 S.B. No. 2720, SD 2, HD 1, CD 1
 S.B. No. 3072, SD 1, HD 2, CD 1
 S.B. No. 2343, SD 2, HD 2, CD 1
 S.B. No. 2145, SD 2, HD 2, CD 1
 S.B. No. 2957, SD 2, HD 2, CD 1

At 6:36 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 6:38 o'clock p.m.

The Chair then announced:

"Members, before going on to page 19, I just wanted to remind all of you that we need to listen to our Minority and Majority Floor Leaders for the vote. If you have any discrepancy, please make note of it before I rule on the Final passage of all the bills on the page."

Conf. Com. Rep. No. 132-06 and S.B. No. 3181, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3181, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. It's at the top of the page again and I rise once again in opposition to Senate Bill 3181, Relating to Solid Waste. This bill seeks to expand the existing bottle bill to allow redemption of 68-ounce bottles. I see this as another tax on the

already tax-burdened citizens of Hawaii.

"Many people legally try to avoid the tax and save some money by purchasing the larger 68-ounce bottles. Again, I must ask, are we finding new ways to recycle more or to tax more? Despite provisions in Senate Bill 3181 that requires redemption center dealers to operate for more than 30 hours a week, including 5 hours on a Saturday or Sunday, the reverse vending machines do not accept the oversize 68-ounce bottles.

"Hawaii's hard working taxpayers who continue to haul their oversized containers and wait in long lines to redeem their 5-cent share. Of course they're paying 6, it seems that they pay 6 and a half cents to get back their 5. The penalties for dealers as proposed are harsh and draconian. Particularly considering the nature of the offence, penalties should be applied to criminals, not the business people trying to comply with this increasingly onerous statute. Further, Mr. Speaker, do we find that purchasing of these bulk containers to be so sinful that we punish those trying to save money when they try to feed their families? Thank you."

Representative Finnegan 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 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 strongly opposed to SB 3181, CD1. It is amazing to me that this Legislature continues to burden the citizens of our State with a program that wastes their money and time, is ineffective, and amounts to nothing more than a new fee that consumers must pay. It is embarrassing to see all the resources that are being spent in the name of recycling. Millions of dollars spent to pay for staff at the Department of Health and subsidizing recyclers. This bill will add 68 oz. containers to the list of beverage containers that the Hi5 deposit must be paid on. Many large families buy beverages in the larger containers so they don't have to invest their cash in nickel deposits. Four large containers equal a little less than a case of 12 oz servings. Up until now these families could save themselves \$1.20 by purchasing these large volume containers, but now they will not have that option. I can also foresee problems at recycling sites because the large containers will not fit in the reverse recycling machines. If we attributed a dollar amount for all the time our citizens spend trying to get their nickels back it would double the cost of the program. All this money and time to reduce the flow of garbage into our landfills by a mere 3%, it just doesn't make sense. Mr. Speaker, we should have passed a comprehensive recycling program years ago rather than this outdated bottle 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. 3181, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Finnegan, Marumoto, Meyer, Moses and Pine voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 133-06 and S.B. No. 486, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 486, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of this measure. This bill provides a valued service to our children and to their parents. As

the bill states, nationally nearly two-thirds of school age children are in homes with both parents working, yet very few communities have a comprehensive system of before and after school care for children.

"This bill appropriates about \$2 million for non-school hour programs that will give our kids structure and fun activities to do when they're not in school and give our parents peace of mind knowing that their kids are in a safe and supervised environment when the parents are not available to watch over them. This is a good measure and I urge my colleagues to vote yes. Thank you."

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, 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. 486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 134-06 and S.B. No. 3003, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3003, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, 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. 3003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 135-06 and S.B. No. 3215, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3215, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 136-06 and S.B. No. 3247, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3247, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you very much, Mr. Speaker. On this measure, I'm standing in strong support. This is a treat for the mentally ill, elders, person with disabilities who are currently confined in institutions, to be able to be placed into the living hands of the community providers. Thank you very much."

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1 as it would ensure the continuation of care homes and the availability of care homes to Medicaid recipients. I support the increase in the maximum capacity for adult family boarding homes and care homes from five to six non-family members and the increase in the authorized number of non-family member residents who may be incapable of self-preservation from two to three.

"I also support the provision that would give the Department of Health discretion to allow an additional resident in certain Adult Residential Care Homes. We also support an increase in nursing facility level residents from 2 to 3 for type I and 20 percent for Type II ARCHs. I support increased residents for adult foster homes from 2 to 3 as well.

"For Type I homes, I support authorizing the Department of Health to allow up to six residents at its discretion, provided that the primary caregiver or home operator is a certified nurse aide who has completed a state-approved training program and other training required by the Department.

"For Community Care Foster Family Homes, I am in support of the Department to certify the home for a third adult at its discretion, provided that the resident is at the nursing level of care and a Medicaid recipient, and provided further that the primary and substitute caregivers are certified nurse aides who have completed a state-approved training program and other training required by the Department. I feel that the Department of Health should include "Critical Thinking and Judgment" and the "Behavior Management" training modules as part of the training required by the Department for the Adult Residential Care Homes expansion.

"The current level of residents for Type I and II Adult Residential Care Homes, hereafter referred to as "ARCH's" has not kept up with the steady increase in demand for community based care homes in the community in the State of Hawaii. Care homes or community based assisted living provide a valuable service to elderly and their families as it provides an economical alternative to institutionalization of patients which costs thousands of dollars more.

"The relevant federal and State rules and regulations are very stringent, calling for strict requirements which ensure residents health, safety and welfare, as well as utilizing an increased economy of scale to help provide more community based opportunities, as well as helping to ensure the survival and prolific continuance of the care homes themselves. Care homes provide society a great service and must be supported. With the rapidly rising real estate sales prices, it is virtually impossible to establish a new care home by purchasing a new home as the costs are exorbitant.

"The majority of ARCH residents in Hawaii are Medicaid clients. Without an increase in the number of residents, many of our residents would not be provided an opportunity for community based care and ARCH operators will no longer be able to afford to care for our beloved elderly without increased economy of scale. This would truly be a tragedy not only for our elderly, but for their family members as well, who rely upon the compassion and loving care provided by our Adult Residential Care Home administrators/caregivers.

"Please support this important bill as the survival of the care home industry saves the State millions of dollars compared to its alternatives. With the provision for more community based care for Hawaii elderly and their families and the Care Homes who are the unsung hero's who unselfishly open their hearts and homes to Hawaii's frail elderly and physically challenged people.

"Mr. Speaker, I urge my colleagues to support this important bill."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE

HOMES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 137-06 and S.B. No. 3252, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3252, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support of Senate Bill 3252, SD 2, HD 2, CD 1. Thank you, Mr. Speaker. I'm wondering how many of us can imagine a world where improvements in medical technology, genetics, and pharmacy enable our people to live past 100 as the norm, rather than exception. Does anybody here believe that's a farfetched reality?"

"Well if you consider this: between 1970 and 2000, the 60 plus population in Hawaii increased 207% from 67,000 to 207,000. Between 1970 and 2000, individuals over 75 increased by 415%; and individuals over 85 increased by 482%. In 2000, individuals 60 plus represented 17% of the total population of Hawaii. And by 2020, it is estimated that individuals 60 and over will compromise 25% of Hawaii's total population.

"Now imagine a world where there is just as many people retired as working. Is that possible? Consider a recent Federal Reserve report that says that in 1990 there were 5 workers for every retiree. By 2030, forecasters expect 2.5 workers for every retiree. With the blessings of long life comes the added cost and responsibility of caring for those who are elderly and frail, and unless we plan now, we can also envision the warehousing of our elderly.

"Two questions that we need to face immediately. Question 1, who will provide the care for that burgeoning population? And question 2, who will pay for the cost of care? For example, nursing home care cost is currently over \$68,000 a year. And that cost is predicted to rise to \$200,000 per year by the year 2020. And given current population trends of fewer people in the workforce, we will face greater shortages in caregiving.

"The current nursing shortage is just an indication of things to come. An estimated one-third of adults are engaged in providing informal care for a disabled person. And the average age of the caregivers is 46 and 75% of them are women. When caring for our frail elderly or disabled family member or members become too difficult at home, the caregiver is faced with the problem of paying for institutional care.

"According to the coalition for affordable long-term care, 85% of long-term care is provided at home by family members and close friends who pay for most of the expense out of their own pockets.

"But I know for some of you who are listening, maybe they're just numbers but I'm just making it clear right now that we need to start planning, seriously planning for a system of care for our elderly and disabled otherwise we're going to be reaching a real crisis position and we need to do that with compassion and most of all with aloha for those who did so much for us. Thank you, Mr. Speaker."

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

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3252, S.D. 2, H.D. 1, C.D. 1 as it would appropriate funds to the Executive Office on Aging to coordinate a statewide system of family caregiver support.

"This measure will help the Executive Office on Aging maintain the quality of life of Hawaii's older adults and their families through the expansion of its Kupuna Care Services Program.

"Please support this important bill to aid in the coordination and development of family caregiver support services. Mr. Speaker, I urge my colleagues to support this important bill."

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

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure.

"As the number of seniors increases significantly with the first of the baby boomer generation turning 60 this year, we are in need of expanding the services available to seniors. An estimated 18,600 seniors on Oahu need long-term care services. Almost one third are provided care in residential facilities such as nursing, care, and foster homes and assisted living facilities. As many as 10% of income eligible seniors received home and community based services provided by the Department of Human Services Adult and Community Care Services Branch. Potentially, another 5% may have long term care insurance to help pay for long term care expenses. This leaves a gap of 10,000 seniors on Oahu who need long term care assistance.

"As our population ages it becomes more and more imperative that we find ways to assure that our older adults live independently, in a safe environment and remain healthy for as long as possible. These older residents cannot live on their own without some level of assistance from family members or assistance programs. Caregivers are the pivotal link in the service continuum and we need to provide for a well-planned and managed system of caregiver support services."

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, 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. 3252, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 138-06 and S.B. No. 2570, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2570, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise with reservations on this measure. And this may be the first time that I ever voted with reservations on Final Reading and I think this is the time to be either yes or no. But the reason I have reservations is because my understanding of the

reading of this legislation is that it provides either a 20% or a 15% investment tax credit for the production of what they're calling digital media. Either a commercial or film or video games or other kinds of digital media and that's fine.

"My concern is that the definition of digital media may be too broad and the result could be very consequential because if what is already happening in the State of Hawaii. Commercials that are already being taped by ad agencies, websites that are already being built, flash animation that's already being done, all of that is already happening and already being paid for. And it's hundreds of millions of dollars depending on how you define whether the money actually passes through an ad agency or if we're just talking about the production cost. But no matter what, if what's already happening ends up qualifying for a 20% subsidy then we're not actually adding to the digital media industry, but we are providing a 15% to 20% subsidy for an existing industry and I don't think that's the intent of this legislation. I wanted to flag that concern for the Governor and the Governor's Office because if my reading of the legislation is correct, it could be very, very expensive. Thank you."

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. It is a goal of mine to see Hawaii's film industry grow more prosperous. There has been a lot of competition from other states and countries offering more favorable tax incentives that have taken film productions away from Hawaii.

"This bill will make Hawaii more attractive for film production by increasing the tax credit from four percent to fifteen percent for qualified production costs incurred in a county with a population over seven hundred thousand and twenty percent for qualified production costs incurred in a county with a population of seven hundred thousand or less. The measure provides a maximum amount of \$8,000,000 per qualified productions for the tax credit. 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 6:50 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3181, SD 2, HD 2, CD 1
 S.B. No. 486, SD 2, HD 1, CD 1
 S.B. No. 3003, SD 2, HD 2, CD 1
 S.B. No. 3215, SD 1, HD 2, CD 1
 S.B. No. 3247, SD 2, HD 2, CD 1
 S.B. No. 3252, SD 2, HD 1, CD 1
 S.B. No. 2570, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 139-06 and S.B. No. 3078, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3078, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 140-06 and S.B. No. 2997, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2997, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. CCR 140-06, Senate Bill 2997, SD 1, HD 1, CD 1, exempts NELHA, HSDC, HTDC, as well as contracted services with a legislative agency for the purpose of preparing studies or reports for submission to the Legislature from the State Procurement Code.

"In 2003, the Legislature passed and the Governor signed into law Act 52, which was designed to make State contracting more transparent, merit based, and accountable. Essentially it required impartial independent committees of professionals to award government contracts based on relevant, written and published selection criteria provided for a debriefing process from non-selected offerors.

"This law follows a number of investigations by Honolulu Prosecutors and the State Campaign Spending Commission into the relationship between the awarding of contracts and campaign contributions made by various architects, engineers, and building contractors. According to the Governor at the bill signing, Act 52 put to rest the appearance of impropriety relative to non-bid contracts and provided for openness, transparency, confidence, and integrity to the State's procurement process.

"It has been this Body's intent to provide a uniform process that is both transparent and fair to the State to professional seeking government contracts and to the public. Why are we now recommending procurement exemptions for these agencies and services? In its testimony, HSDC cited an AG's opinion providing clarification that its investments are not considered purchases and are therefore are not subject to the Procurement Code. Likewise, HTDC received an AG's opinion stating that HTDC enabling legislation did not subject it to any requirement of law for comparative bidding, therefore it too was exempt from the Procurement Code. While these opinions may be valid and must provide an appropriate exemption from the Code for these agencies, the perception they create especially to the public may be confusing.

"We have a process in place, however, some agencies are not required to play by its rules. Likewise, LRB testified in support of this bill's provision providing a procurement exemption for contracted services with a legislative agency for preparation for the legislative submittal. So I think the time constraints experienced under the code and the proposed benefits to the Legislature for the receipt of studies and reports in an expeditious manner.

"However, DAGS testified that all agencies from which legislative submittal is required do not have trouble meeting legislative deadlines under current procurement provisions. This category of procurement does not need an exemption. According to the State Procurement Officer's testimony, the procurement code should not be regarded as an obstacle or hindrance to a purchasing agency's mission, but rather as a uniform policy or standard if you will for the State. It is fair, it is transparent, it is consistent and it maintains a respectable level of integrity and propriety that contributes to the public's confidence in government.

"In recent months, Mr. Speaker, much misplaced attention had been made to alleged circumventions of the Procurement Code by DBEDT in regards to its Asian trade mission. While an investigation by the State Procurement Office has determined that there was no violation of the Code by the Administration with respect to its trade mission, the situation generated much discussion and debate for the need for transparency and accountability that the procurement law provides. Does it not seem in a sense hypocritical or at least a little fishy that we are here today proposing to make the process a little

less transparent and accountable for a few agencies?

"If we determined before that it is good government and good policy to have fair and consistent processes and to hold an agency responsible for its actions, are the exemptions before us today in keeping with the spirit of trust in government and good fiscal management? Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm in opposition. The reason for having the Procurement Code in the first place is to provide a fair and transparent process whereby the State obtains the best possible goods and services and construction at the best possible price. Enforcing the Code safeguards against negative public opinion of government procurement procedures and protects against any public perceptions of governmental waste, fraud or abuse.

"This being true, why are we providing exemptions for these agencies and services? Why adopt a Procurement Code and then fail to follow it? The State Procurement Office testified in Committee that the Code already allows a purchasing agency to request an exemption when procurement by competitive means is not practicable or advantageous. There is flexibility within the requirements of the Code.

"Simply having a specific mission or having to deal with development issues does not warrant exemptions for these agencies according to DAGS. For these reasons, I'm voting no. Thank you."

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

"In support and let's talk about hypocrisy. Let's look at the Administration's record after we passed the Procurement Code and the Governor said, 'Now it's not who you know, but what you know.' Then we learn that the head of DAGS has overturned the recommendation twice, recommendation of the independent selection committee concerning selection of an A&E firm. When we called them on it a week later, they reversed that decision.

"And then let's take a look at the HHSC expansion of the clinical labs contract. They were exempt under 103D. The State Procurement Officer of the State ruled that they were not exempt under 103F and that's where that exemption should have taken place. And so that was referred to the Attorney General. Based on the State Procurement Officer's decision that they were not exempt from 103F and therefore the exemption to that was illegal. It's been three months and the Administration and the Attorney General have done absolutely nothing about it."

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

"I'm rising in strong support. A couple of things. I think a previous speaker mentioned that the State Procurement Officer found that there was no violation of the State Procurement Code. While that may be true in Mr. Fujioka's memorandum to the Director of the Department of Business, Economic Development, and Tourism, I believe it was a strange ruling and opinion.

"First of all it was based merely upon the sole representations of the Director ..."

Representative Thielen rose, stating:

"Excuse me, Mr. Speaker. I'm asking if the Member is addressing the bill? It seems to me that he's straying rather far a field."

The Chair then stated:

"I believe he's addressing the comments made by a Member of the

House as it relates to this bill so I'll let him speak."

Representative M. Oshiro continued, stating:

"Yes, these comments are germane to the remarks made by the Assistant Minority Floor Leader, and let me continue. The opinion of Mr. Fujioka from the Procurement Office was based upon a couple of things.

"First of all, it was based upon the representations of the DBEDT Director. That DBEDT had no direct involvement in the selection or contracting or procurement of any services other than from the District Export Council or the Pacific Asian Affairs Council.

"Furthermore, that there was no signed contract despite the fact that there are numerous documents in my office showing that there was communication between DBEDT, which clearly shows in my humble opinion that DBEDT was directing the receipt of, solicitation of, and payment of a numerous amount of contracts.

"Third, it is true that the Procurement Officer also made the findings upon the fact ..."

Representative Thielen rose, stating:

"Mr. Speaker, excuse me. Mr. Speaker, point of information. I'm looking at the description of the bill. If I'm on the correct one, it provides a procurement exemption for the National ..."

The Chair then stated:

"Representative Thielen, for what purpose do you rise?"

Representative Thielen: "To say what the description of the bill is and to see ..."

Vice Speaker Takai: "That is an out of order request."

Representative Thielen: "To see what is relevant about what the present speaker is discussing."

Vice Speaker Takai: "Yes, I have ruled that Representative Marcus Oshiro can continue with his discussion, but I'm going to ask him to wrap it up shortly."

Representative Thielen: "It seems to be extremely far a field, Mr. Speaker. I mean I don't see it even relating at all to what the bill is before us."

Vice Speaker Takai: "Representative Thielen, I think the Assistant Minority Leader mentioned a few things and I let him go and speak on those, so I think we'll let the Majority Leader speak as well, but Majority Leader if you could wrap it up shortly."

Representative Moses rose, stating:

"Mr. Speaker, point of personal privilege. I'm sorry. I know where you're going. I don't mind the Floor Leader continuing in a moment, but I just want to point out, I was pointing out exemptions. This measure deals with exemptions. I was pointing out different agencies that are exempted."

The Chair then ruled, stating:

"Representative Moses, you are out of order. That is not a point of information. Representative Oshiro, please proceed."

Representative M. Oshiro continued, stating:

"Well again, Mr. Speaker, I believe that procurement rules are important and they should be followed in all instances and I believe this is the proper course. If one wants to have a different interpretation of the Procurement Code, the best way is to go and

change the law. But as long as the law stands, why don't you follow it? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2997, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Meyer and Moses voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 141-06 and S.B. No. 845, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 845, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 142-06 and S.B. No. 1899, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 1899, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of SB 1899. Thank you. The purpose of this measure is twofold. To provide detailed researched information to allow the transgenic Rainbow papaya to be accepted by the Japanese government, and also provide a marketing plan for both the transgenic and non-transgenic Hawaiian papaya into the Japanese market and also other markets.

"Historically speaking, the Kapoho papaya was 'king' until the early 1990s when the production level was about 58 million in marketable pounds. Then in 1997, it was devastated by the ring-spot virus. The pride of the Kapoho industry plummeted down to about 25 million marketable pounds and continued to rapidly free-fall. This virus, needless to say, nearly wiped out the industry.

"But thanks to modern-day scientific technology, a team of researchers headed by USDA Chief researcher, Dr. Dennis Gonsalves, armed with research funding both from the federal government and also our State government and in collaboration with Cornell University, the University of Hawaii, and the US Department of Agriculture successfully developed the transgenic Rainbow papaya and in 1998 was successful and provided these papaya seeds free.

"The US Government has determined the Rainbow safe for consumption and also not harmful to the environment. The Rainbow is exported to the continental United States and also to Canada. Our visitors from Japan, visitors from Japan to here in Hawaii consume the Rainbow papaya.

"Today the Kapoho papaya in particular is exported to Japan after undergoing a heat treatment process to rid the presence of fruit fly infestation. The industry has been working with the Japanese Ministry of Agricultural, also the Ministry of Health. And I'm confident deregulation for the Rainbow papaya will soon become a reality.

"This supportive measure is necessary for the viability for the consumer-friendly, environmentally approved papaya in the agricultural industry; especially, Mr. Speaker, during this period

when other local once-thriving agricultural production markets are becoming extinct. Thank you very much."

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'm very disappointed looking at the CD 1 that the only change is the amount to be appropriated. There are no substantive changes to this bill as it left the House the last time we spoke. I appreciate the perspectives of my colleague, the Representative from the Hamakua Coast, and the fact that the papayas are not labeled as GMOs is a major issue.

"That notwithstanding, the long-term question, the bigger question for which I am concerned about still exists as to whether industry linked research would change the minds of consumers and customers in other parts of the world who are both generally leery of potential dangers of genetically modified fruits and vegetables and also supportive of organically produced natural products.

"I think in the long run this is a huge mistake for Hawaii's export agricultural products to be associated with genetic modification especially unlabeled and when the public finds out, it will be even a bigger mistake as that association could rebound the detriment of other island products in the face of consumer resistance.

"I realize that this bill is specifically about the papayas and that is an income generating aspect of the Big Island in particular and for Hawaii, but it's a bigger conversation and the bigger image of Hawaii for which I am concerned. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support of Conference Committee Report No. 142. This affects my district more than any other major industry in the area. Our papayas are known all over the United States and in most places. People that come here enjoy their papayas from Hawaii, most of which had been raised in the Puna district. I would like to add written comments," and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"Mr. Speaker, I am in strong support of SB 1899 and urge my colleagues to vote for this bill that will really help the papaya industry, one of my Puna District's products. A few years ago a ringspot virus destroyed the papaya crop. Today our industry was saved by the discovery of a genetically engineered, but a major market that was exported to Japan called Rainbow was not accepted. Engineers have been working with the Japanese government to answer their concerns about this genetically modified product. This appropriation will enable them to finish their studies and I believe that their results will give this the necessary boost to finish their work. This money will also help their marketing efforts to open these and other countries. People visiting Hawaii are eating these Rainbow papayas and love them. I also eat them regularly and find them delicious and healthy.

"Please pass SB1899 for our important papaya industry. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1899, SD 1, HD 1,

CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 43 ayes to 5 noes, with Representatives Berg, Carroll, Morita, Schatz and Thielen voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 143-06 and S.B. No. 2984, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2984, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Hale's written remarks are as follows:

"Mr. Speaker, I stand in very strong support of SB 2984. Ever since I came to the Legislature in 2001, I have been trying to get the promise fulfilled given to the people of Kalapana for rebuilding their community. They lost an unique Hawaiian village that was overrun by lava in 1983. In 2001 we got the housing that had been appropriated in 1991 to be redirected for the necessary infrastructure. Finally the roads are about to be finished and now they again need loan and self-build help. This money of \$200,000 is necessary for this purpose. With this appropriation this long promised project can finally get finished.

"Thank you my colleagues for your support and Mr. Speaker, I appreciate your help."

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 2984, S.D. 1, H.D. 1, C.D. 1, entitled: 'A Bill For An Act Making An Appropriation To The Kikala-Keokea Housing Revolving Fund'

"The purpose of this measure is to appropriate funds to the Kikala-Keokea house revolving fund.

"Beginning in 1983, and continuing into the following decade, lava erupting from Kilauea volcano repeatedly invaded communities along the southern coast of the island of Hawaii, destroying more than one hundred eighty homes. The lava invasion culminated with the destruction of Kalapana in 1990 and 1991.

"The lava flow is one of the last native Hawaiian settlements on the Island of Hawaii, a tightly knit community whose rights to occupy the land under homestead leases and to fish in surrounding waters have been recognized by the federal government since 1938 under the Kalapana Extension Act.

"In recognition of this tragedy, the Legislature enacted Act 314, Session Laws of Hawaii 1991, as amended, authorizing the Department of Land And Natural Resources to negotiate long-term leases with qualified, displaced Kalapana families to allow them to maintain their heritage on ceded lands in the Kikala-Keokea homestead area adjacent to the Kalapana-Kapoho Beach road. This site allows the Kalapana families to maintain their traditional cultural practices.

"In 2001, the Legislature enacted Act 144, Session Laws of Hawaii 2001, which established the Infrastructure Development Fund to finance the construction of roads, water lines, and other infrastructure, and the Kikala-Keokea Housing Revolving Fund to provide low-interest loans to Kikala-Keokea lessees for home

construction.

"This measure appropriates out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2006-2007 for deposit into the Kikala-Keokea Housing Revolving Fund established under section 201G-170.5, Hawaii Revised Statutes, to provide low-interest home construction loans for Kikala-Keokea leaseholders and to fund related activities. The sum appropriated shall be expended by the Hawaii Housing Finance and Development Administration for the purposes of this Act. This Act shall take effect on July 1, 2006. I recommend that S.B. No. 2984, S.D. 1, H.D. 1, C.D. 1 pass Final Reading. 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. 2984, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 144-06 and S.B. No. 2036, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2036, SD 1, HD 1, CD 1 pass Final 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 written remarks are as follows:

"I rise in support. The purpose of this measure is to extend business and technology-based incubation services to foreign technology companies seeking to do business in the State by making an appropriation for the High Technology Development Corporation to establish an international business and technology incubator program in Hawaii.

"Hawaii is an attractive alternative to other technology incubator programs on the mainland United States due to its closer proximity to Asia and the State's culturally diverse population. An international expansion of the incubator program is expected to create more business and technology-based jobs, economic diversity, and a new external source of tax revenue for the State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2036, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

At 7:10 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3078, SD 2, HD 1, CD 1
 S.B. No. 2997, SD 1, HD 1, CD 1
 S.B. No. 845, SD 2, HD 2, CD 1
 S.B. No. 1899, SD 1, HD 1, CD 1
 S.B. No. 2984, SD 1, HD 1, CD 1
 S.B. No. 2036, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 145-06 and S.B. No. 2753, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2753, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 146-06 and S.B. No. 2486, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 147-06 and S.B. No. 2879, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2879, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 148-06 and S.B. No. 2575, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2575, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 149-06 and S.B. No. 2348, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2348, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 150-06 and S.B. No. 1648, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1648, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

At 7:11 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2753, SD 1, HD 2, CD 1
S.B. No. 2486, SD 2, HD 1, CD 1
S.B. No. 2879, SD 1, HD 1, CD 1
S.B. No. 2575, SD 2, HD 1, CD 1
S.B. No. 2348, SD 1, HD 1, CD 1
S.B. No. 1648, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 151-06 and H.B. No. 1862, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 152-06 and H.B. No. 1891, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1891, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Finnegan voting no, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 153-06 and H.B. No. 1800, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1800, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in opposition. This raises the amount of withholding placed on real estate transactions for out-of-state purchasers from 5% of the gross to 8.25% of the gross. Now it's only withholding, they'll get their money back, but I can see instances where the person involved in the transaction won't have that much capital because it's the gross, not the net amount. A large property, a very valuable property, this is a lot of money that is withheld. So you know, it's a tax increase, Mr. Speaker. I'm in opposition."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1800, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," passed Final Reading by a vote of 41 ayes to 6 noes, with Representatives Green, Halford, Meyer, Moses, Pine and Stevens voting no, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 154-06 and H.B. No. 1923, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1923, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. This measure, CCR 154-06, House Bill 1923, among other things allows the Hawaii Tourism Authority to retain attorneys independent of the Attorney General's Office and exempts the Tourism Authority, their accounts from

supervision by the Comptroller by extending the sunset date on these provisions to June 30, 2010. This bill essentially allows the HTA to exist and operate as its own fiefdom. Remaining outside of the purview of the Department of the Attorney General and DAGS, there is no financial accountability for HTA.

"The Attorney General testified in opposition to this bill during its hearings to its referred committees. Starting with the provision granting the HTA authority to hire attorneys for specialized purposes independent of the AG's Office is legally and fiscally unnecessary.

"Under existing law, the HTA can already hire outside counsel when additional expertise is required as long as they have the Attorney General's approval. Allowing HTA to hire counsel, outside counsel without the AG's approval could lead to instances where the independent counsel advises the authority in a manner that is contrary to the Attorney General's opinion.

"Also the Deputy Attorney Generals have the experience and knowledge of unique State laws that are applicable to and required by the HTA and other State entities. Outside counsel will have to familiarize themselves with these laws and procedures at an added expense to the HTA. According to the Attorney General, a small group of in-house attorneys for the HTA could not duplicate the AG's services.

"This measure also provides for no financial accountability for the HTA. Especially given the fact that its accounts are not subject to supervision by the Comptroller. How do we know that the Authority's finances are being managed responsibly?

"Mr. Speaker, I believe the HTA does a fine job within its area of expertise. This bill provides an unwarranted degree of freedom to its agency without the commensurate required accountability. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1923, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Final Reading by a vote of 41 ayes to 6 noes, with Representatives Finnegan, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 155-06 and H.B. No. 2669, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2669, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 156-06 and H.B. No. 2239, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2239, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support. As you know, Mr. Speaker, I spoke against this bill earlier in the legislative Session. As a freshman you come in with your set beliefs. For example, I've been against eminent domain for such a long time in my lifetime, but being on the Housing Committee and seeing the state of crisis we are in Hawaii

for affordable housing and I realize that there really is no other way to definitely ensure to save this property for the people of Hawaii, who may be left behind in this great economy. And so I now stand in strong support and stand corrected on how to handle this issue, and I thank the Chair of Housing for convincing me that this is a good bill. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support of this measure and it actually created a little bit of internal discussion on my part, but I came to deal with it philosophically by looking at in three different ways.

"One, this particular issue I believe represents a huge social problem that we're now faced with here on the State of Hawaii, which is the creation of affordable housing. What this has done is raise the bar of discussion of the loss of already developed affordable housing.

"We have here probably about three or four different levels of issues that I think we need to look at, but the people of Kukui Gardens, I give them a lot of credit because they're basically a very bashful group, they're not aggressive like some of us here in this Chamber. But they had the guts and the wherewithal to come here and to explain what the loss of this particular property could do to them, their families, and to our community. And when you do research on this you realize that we have had instances like this throughout our history when we have an economic growth, it seems like our people are the ones that are always being left behind and then when it's too late, we run around and we try to figure out how can we once again help them.

"I believe that what this Kukui Gardens has done is it has made us realize that we can't go back and help them after the deed has been done. And the deed that could be done here is this property being sold to someone that does not have a vested interest or really a concern for the people of Hawaii, and that would be unfortunately a foreign corporation or a mainland corporation. I believe that we need to send a message that we want to be a business friendly state, but we're a state of limited resources, limited lands and we need to take care of our people.

"There is a philosophy that I hope that the purchasers that are looking at the property will entertain, which is a 'triple bottom line theory', which is if you're going to do business in Hawaii or own land in Hawaii, it's more than just about profits. But with that being said, we also have issues because the landowners themselves are in a position to help with this issue. The landowners have been receiving a fairly good amount of income for the last 36 years, and I believe it's nonprofit income.

"In the 60s and 70s, we stepped forward as a policy body and we enacted the Maryland Land Act and through that, through some very hard times, I think we were able to take a lot of lands and convert them into fee simple. This is what has happened here and I really, really thank the people of Kukui Gardens for stepping forward and for educating someone like me that sometimes is uneducable at my age. But they did a good thing and I hope that with this piece of legislation that as we go forward, that Kukui Gardens will lay the foundation for what we need to do to protect what we have because we can't go back and get it again. Thank you."

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

"Thank you, Mr. Speaker. In strong support, Mr. Speaker. Mr. Speaker, Kukui Gardens is a unique affordable housing resource on 22 acres in Central Honolulu that provides housing for 2,500 working residents and senior citizens and 857 low-income housing units of which over 50% of the units are rented to families with incomes under 50% of the median family income and over 20% of

the units are rented to families with incomes over 110% of the median family income.

"Kukui Gardens supports the character of the neighborhood by being the primary source of workforce housing for all of historic Chinatown. The 857 affordable rental units in Kukui Gardens are irreplaceable in the current Honolulu housing market. However, it is currently for sale and at risk of becoming a market-rate rental project or condominium after 2011 when the project's affordable housing commitment period with the United States Department of Housing and Urban Development expires.

"The residents, surrounding community, and the island of Oahu would benefit from the active intervention of the State in this transaction to ensure that there is no negative impact on current and future residents. And for these reasons and other written remarks I would like to insert into the Journal, I stand in strong support."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker I rise in support of H.B. 2239, H.D.1, S.D.2, C.D.1, entitled Kukui Gardens Acquisition:

"In its final report dated January 2006, the Joint Legislative Housing and Homeless Task Force expressed concern that the inventory of affordable housing rental units may be reduced. Affordable rental housing projects built in part with government subsidies have been offered for sale at market prices as a result of the expiration of income and conveyance restrictions encumbering the property. The Task Force is committed to ensuring that such units remain affordable to persons at certain income levels.

"In recent months, media reports have announced that several affordable housing projects may be offered for sale, such as the Kukui Gardens affordable rental housing projects. Kukui Gardens was built in part with federal funds and its affordability restrictions will expire in five years.

"The purpose of this Act is to preserve Kukui Gardens as an affordable housing project.

Kukui Gardens is a unique affordable housing resource on twenty-two acres in central Honolulu that provides housing for two thousand five hundred working residents and senior citizens in eight hundred fifty-seven low-income housing units, of which over fifty percent of the units are rented to families with incomes under fifty percent of the median family income, and over twenty percent of the units are rented to families with incomes over one hundred ten percent of the median family income;

Kukui Gardens supports the character of the neighborhood by being the primary source of workforce housing for all of historic Chinatown;

The eight hundred fifty-seven affordable rental units in Kukui Gardens are irreplaceable in the current Honolulu housing market however it is currently for sale. And at risk of becoming a market rate rental project or condominium after 2011, when the project's affordable housing commitment period with the United States Department of Housing and Urban Development expires; and

The residents, surrounding community, and the island of Oahu would benefit from the active intervention of the State in this transaction to ensure that there is no negative impact on current and future residents.

"The Hawaii Housing Finance and Development Administration or any appropriate entity of the State shall immediately initiate negotiations with Kukui Gardens Corporation, or its successor in interest, to either:

- (1) Make available, without competitive award, public financing resources to extend affordable rents at Kukui Gardens through

at least 2016; provided that at least fifty percent of the rental units at Kukui Gardens are retained at affordable rents to households whose incomes do not exceed eighty percent of the median family income, of which five percent of the units are set aside for households whose incomes do not exceed thirty percent of the median family income; or

- (2) Acquire the property known as Kukui Gardens, tax map key (1) 1-7-26: 07, and may partner with private for-profit or nonprofit developers for acquisition of the property; provided that eighty percent of the housing units on the property shall be retained in perpetuity as affordable housing for households at or below one hundred forty percent of the median family income as determined by the United States Department of Housing and Urban Development.

"The Hawaii Housing Finance and Development Administration or the appropriate entity of the State shall submit a report to the legislature not later than twenty days prior to the convening of the Regular Session of 2007 regarding its efforts to acquire Kukui Gardens and its recommendations for financing the purchase of the property.

"It extends affordable rents to at least 2016 or acquire the property is not reached within a reasonable time as determined by the Hawaii Housing Finance and Development Administration or any other appropriate entity of the State, the state agency shall exercise its power of eminent domain to acquire the property. For the purposes of this Act, and notwithstanding any provision of section 201G-16, Hawaii Revised Statutes, to the contrary, condemnation of the Kukui Gardens property shall not be subject to legislative disapproval.

"And this measure appropriates out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2006-2007 for the purpose of negotiating with the owner of Kukui Gardens to either extend the period of affordable rents to at least 2016, acquire Kukui Gardens, or to commence the condemnation process. This Act shall take effect on July 1, 2006.

"I recommend that H.B. 2239 H.D. 1, S.D. 2, C.D. 1 pass final reading. 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 support of H.B. 2239.

"The State's Housing Task Force has acknowledged that Hawaii has an affordable housing crisis, particularly as it applies to the availability of rental housing that serves those making 80% and below the area median income.

"It's important that the State appropriate funds through private developers to acquire the property currently known as Kukui Gardens from the Kukui Gardens Corporation. The acquisition of Kukui Gardens will help maintain an inventory of affordable rentals on Oahu.

"The State can provide private developers with financing assistance through various financing programs, such as tax-exempt revenue bonds coupled with non-competitive low income housing tax credits.

"Time is of the essence to preserve existing affordable rental properties and to protect those who benefiting from them."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2239, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND

ACQUISITION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 157-06 and H.B. No. 2399, HD 2, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2399, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

At 7:22 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1862, HD 2, SD 2, CD 1
 H.B. No. 1891, HD 2, SD 2, CD 1
 H.B. No. 1800, HD 1, SD 1, CD 1
 H.B. No. 1923, HD 1, SD 2, CD 1
 H.B. No. 2669, HD 1, SD 2, CD 1
 H.B. No. 2239, HD 1, SD 2, CD 1
 H.B. No. 2399, HD 2, SD 1, CD 1

Conf. Com. Rep. No. 158-06 and H.B. No. 2075, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2075, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2075.

"I drafted this bill to expand our bikeway system in Hawaii. A recent survey conducted of 401 UH graduate students, when asked, 'How important are safe bike routes accessing campus?' 61% said, 'Crucial,' and 26% said, 'Quite important.' Mr. Speaker, the measure before us addresses the lack of funding for addressing safety issues for bicyclists.

"In our State's search for solutions to ease traffic congestion, lower road maintenance, improve air quality, improve health and reduce health care costs – there's a simple solution, bicycle riding.

"Oregon is recognized as the most bicycle-friendly state by the League of American Wheelmen, has been a aggressive promoter of bicycle facilities, dedicating funding each year for their construction. In 1971, the Oregon State Legislature passed the first bicycle bill requiring at least 1.0% of the State Highway Fund distributed to the Oregon Highway Division and city and county governments to be spent on bicycle and pedestrian facilities.

"Eugene, Oregon adopted a comprehensive Bikeways Master Plan in 1974, which provides bike parking at transit stops, 38 miles of bike lanes, 24 miles of off-street paths, and 18 miles of designated bike routes. These efforts have encouraged 8.5% - 10% of the adult workforce to commute by bike.

"With rising gas prices, congested roadways, and our great weather, Hawaii is poised to be the next leader in promoting bicycle transportation as a safe, healthy, alternative and non-polluting transportation that can be used for recreational or business use.

Using Oregon as a role model, the appropriations in this measure will improve safety for our bikers and get people out of their cars and onto their bikes.

"Thank you for the opportunity to support this bill."

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

"Mr. Speaker, I rise in strong support of this transportation bikeways. I would like to speak about this. The State Department of Transportation goes out and studies where it would be nice to have bikeways or bike routes over 10 years, and then states a lack of funding to do anything about it. Over the last two decades nothing substantial has been executed by the Department of Transportation to increase bikeways that link our communities.

"Take for instance the Leeward Bikeway. Federal funding has been available to complete it since 1998. The EIS was completed in 2000 and construction was once reported to be completed by 2003. Now here we are in 2006, not an inch of the Leeward Bikeway has been paved and this is with a right of way that has already been owned by the State since the 1970s. If we do not take the lead and press for this transportation need, we will be left with bike routes still defined by weeds. I pray that this measure will be actually funded by the State Highway Fund as is stated by this draft. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in strong support of the measure. I have written comments but I'd just like to say that bicycling is something we should encourage as an alternative form of transportation and also to encourage physical fitness. The present draft of the bill unfortunately has a little glitch in it and I know that advocates were really worried about it, but I personally would like to say we'll come back next year and try to fix that. And so I will stop now and insert my written comments."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I stand in strong support.

"Earlier this Session we passed House Resolution 89 calling for "Heart Healthy Communities." Bikeways would be an absolutely essential part of such a community. This bill earmarks two percent of federally "eligible" moneys from the State Highway Fund for bikeways. Unfortunately, there was to be inserted into the bill the following change in Section 2, which was left out in the final drafting.

"... provided that at least two percent of federally eligible moneys shall be expended for the establishment of bike paths and bike lanes in the State's master bicycling plan; provided that the department of transportation shall include the bicycling community in a public involvement process to determine when and where a bikeway should be established; provided that a reasonable and proportional share of highway maintenance funds shall be allocated towards bikeways maintenance to ensure safe conditions prevail."

"I will work to amend the law next Session and, hopefully, to further encourage the safe and increased incidence of bicycling on our island."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2075, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 159-06 and H.B. No. 1880, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1880, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Stevens' written remarks are as follows:

"I am in strong and unqualified support of the recommendation to remove Honolulu Harbor Piers 1 and 2 from Kaka'ako Community development district and grant jurisdiction to and administrative authority of these facilities to the Department of Transportation, Harbors Division.

"The Harbors Division is the most qualified to administer the operations and infrastructure of the maritime cargo and cruise facilities located on the pier.

"This will restore these two key maritime cargo portals to the control and supervision by those most qualified and equipped to do so."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1880, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 160-06 and H.B. No. 2214, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2214, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 161-06 and H.B. No. 2637, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2637, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 162-06 and H.B. No. 2500, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2500, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support. And I would like to personally thank the Chair of Finance, and the Chair of Ways and Means and their staff and also the hard work of CIP Subcommittee Chair, the Representative from Maui, for their diligent work on this. And

because of their dedication and cohesive work, it really made my job easier, so I really appreciate their efforts. Thank you."

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

"Thank you, Mr. Speaker. Very briefly in support and I am especially grateful for the \$6 million to proceed with the Kapolei Judiciary Complex."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 164-06 and H.B. No. 1280, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1280, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of House Bill 1280 H.D.1, S.D.2, C.D.1. Mr. Speaker, the purpose of this bill is to require the Center for Conservation Research and Training of the University of Hawaii to develop and coordinate implementation of watershed management strategies for flood control for at least two of Hawaii's most severely flood-impacted watersheds. Floods caused by heavy rainstorms have become increasingly detrimental to the health, safety, and general welfare of the people of this State. Floods endanger lives, destroy property, result in adverse effects to the ecosystem, and disrupt commerce, transportation, and communications.

"It is in the best interests of the State to identify, design, and implement effective, integrated flood-control solutions consistent with comprehensive watershed management strategies to prevent property damage, loss of life, or environmental damage that results from severe flooding. Flood prevention through comprehensive watershed management is many times more cost-effective than flood mitigation through traditional reactive and piecemeal approaches to flood control.

"This piece of legislation would appropriate a comprehensive watershed management pilot project to develop comprehensive strategies that establish broad water management goals and targets for entire catchments consistent with a comprehensive watershed management to control storm water runoff to levels that can be safely and economically carried downstream by drainage systems in at least two of Hawaii's most severely flood-impacted watersheds. Mr. Speaker, passage of this bill would mean more than the protection of property and environmental damage, it would mean the saving of lives. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1280, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 165-06 and H.B. No. 1889, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1889, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Hale's written remarks are as follows:

"Mr. Speaker, I have long been an advocate for international understanding and world peace. When you gave me a chance to Chair the International Affairs, a new committee, I was thrilled. This has given me the chance to fulfill a dream to lead Hawaii to an international player on the world scene where we could try to convince the world that our Hawaiian culture of Aloha, peace and tolerance is a model to other people that is the only way we are going to save our self-destructive tendencies that may sooner than we believe destroy the whole earth.

"Mr. Speaker, I believe that our mission is only begun and it will take a long time, but we have to keep trying. However, a legislative Committee cannot do it alone in our short 4 months' sessions. The state must revive the Office of International Relations that so aptly lead this original department under present Mayor Hannemann. It took two Sessions to get the cooperation of Director Ted Liu of DBEDT, the most logical department to lead at present.

"Hawaii has a long tradition of international interest starting with King Kamehameha I and followed up with King Kalakaua, the first reigning monarch to travel around the earth and gave Hawaii world recognition. I believe that the new division in DBEDT is only a first step and eventually that Hawaii will believe in its destiny as a peace advocate and will become a separate department. In our global economy Hawaii cannot stand alone looking within its own borders. We must become effective world leaders.

"Please support HB1889. Thank you, Mr. Speaker."

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 written remarks are as follows:

"I rise in support. This bill establishes within the Department of Business, Economic Development, and Tourism, an Office of International Affairs. The Office of International Affairs will promote economic, social, cultural, and scientific relations with other countries. Further, the Office will reinforce Hawaii's strong international relations with many countries. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1889, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

At 7:27 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 7:31 o'clock p.m.

At 7:32 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2075, HD 1, SD 2, CD 1
 H.B. No. 1880, HD 2, SD 2, CD 1
 H.B. No. 2214, HD 1, SD 2, CD 1
 H.B. No. 2637, HD 1, SD 2, CD 1
 H.B. No. 2500, HD 2, SD 2, CD 1

H.B. No. 1280, HD 1, SD 2, CD 1

H.B. No. 1889, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 166-06 and H.B. No. 1879, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1879, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Yamane's written remarks are as follows:

"Veterans are our national heroes and deserve to be kept informed about changes that affect their healthcare and well-being. This newsletter will be a valuable tool to reach all our veterans, to let them know about upcoming events and about changes in their benefits. The veterans have been waiting a long time for a tool that would reach every one on every island with important news. Supporting this important legislation lets our veterans know that they matter, and that we appreciate their sacrifices for our country."

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

Representative Cabanilla's written remarks are as follows:

"I rise in support of this measure, Mr. Speaker.

"The continuation of the Hawaii Veterans' Newsletter is paramount to the veteran who is in need of services and the information in which to know the who, what, where, when, and how to accomplish it.

"The appropriation is more than justified, it is our duty. 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 support of H.B. 1879 – Relating to Veterans.

"There are over 107,310 veterans who reside in Hawaii with their families. Thousands of veterans are uninformed about their health benefits, and this measure would appropriate \$50,000 to allow the Office of Veteran Services to maintain a website and produce newsletters that would bring and offer pertinent medical and compensation benefit information to our veteran community in a timely fashion.

"In 2004, the State received \$321,000,000 in revenues from the Department of Veterans Affairs. I believe it's imperative that while we continue to benefit from those who served in our military and risked their lives for the future of our country and freedom, that we support the Office of Veterans Services in keeping veterans updated and apprised of their benefits through newsletters and the internet."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1879, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 167-06 and H.B. No. 3259, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3259, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 168-06 and H.B. No. 3235, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3235, HD 1, SD 1, CD 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 written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3235, Conference Draft 1, Relating To The State Of Hawaii Endowment Fund.

"This bill would address the needs of the Honolulu Symphony as it progresses into the 21st Century. The Honolulu Symphony was founded in 1900, and lays claim to one of the oldest symphonies in the West Coast. The Honolulu Symphony's benefactors – besides the audience – are the children of Hawaii. It has performed across the country and in its home --The Neal Blaisdell Concert Hall -- with marquee virtuosos with international reputations. The Symphony provides youth concerts and reaches out to schools with chamber ensemble performances.

"Music is a vanishing art. As music programs across the country take a backseat to the core education programs of English, Math, and Science, our youth lose out on expanding creative expression. The Honolulu Symphony provides an opportunity for children to listen and appreciate timeless melodies still found in today's world. Each year, the symphony reaches out to more than 30,000 children.

"The Honolulu Symphony is one of the most prominent and recognizable cultural, educational, and entertainment organizations in the State of Hawaii. Its mission is to enhance the quality of life of the people of Hawaii by sustaining a symphony orchestra of the highest artistic quality.

"House Bill 3235 CD1 provides a matching fund for the Honolulu Symphony, which encourages donors to pledge. Through this endowment, the Honolulu Symphony will have the ability to sustain its concerts and programs for another 100 years.

"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 the report of the Committee was adopted and H.B. No. 3235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 169-06 and H.B. No. 1918, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 1918, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 170-06 and H.B. No. 2626, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2626, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 171-06 and H.B. No. 2540, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2540, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 172-06 and H.B. No. 2051, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2051, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"On 172-06, I stand in strong support and I would like to insert written comments into the Journal. I would also like to thank Chair Luke for her help on this measure."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of this measure.

"Mr. Speaker, it is hard to believe 140 years after the Emancipation Proclamation that trafficking in humans still occurs in the United States, but it does and it does routinely. While not formally 'slaves' victims of trafficking are often held in appalling conditions and are for all practical purposes slaves. They are not allowed to leave their employers and are often forced to engage in sexual activity against their wills.

"The most common victims of trafficking crimes are women and girls. Often the victims are immigrants or others in economically vulnerable positions.

"There are, of course, laws that pertain to aspects of human trafficking, but they do not cover the full range of immoral and exploitive activities involved. This bill will establish a taskforce to study the best ways to curtail human trafficking and to make Hawaii law consistent with the federal Victims of Trafficking and Violence Protection Act.

"The taskforce will include representatives from State and county government including law enforcement agencies. Private sector participants include the Salvation Army, Sisters Offering Support, the Sex Abuse Treatment Center, Na Loio Immigrant Rights and Public Interest Legal Center, the Domestic Violence Clearinghouse and Legal Hotline, GirlFest, and the Hawaii State Coalition Against Sexual Assault.

"The bill provides \$5,000 to support the activities of the taskforce created by the bill. I respectfully urge my colleagues to support this important measure. Mahalo."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker I stand in strong support of HB 2051 CD1 and would like to commend this Body for moving this bill forward. It is a sad state of affairs when we have people kidnapping and selling others into a life of slavery and getting away with it. The problem crosses state lines and involves international criminals. I am optimistic that the formation of the taskforce called for in this legislation will be productive and that our State will soon be able to implement policies and procedures that will begin to deal with this horrific situation. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2051, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 7:34 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1879, HD 1, SD 1, CD 1
 H.B. No. 3259, HD 1, SD 2, CD 1
 H.B. No. 3235, HD 1, SD 1, CD 1
 H.B. No. 1918, HD 1, SD 2, CD 1
 H.B. No. 2626, SD 1, CD 1
 H.B. No. 2540, HD 2, SD 2, CD 1
 H.B. No. 2051, HD 1, SD 2, CD 1

At 7:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:34 o'clock p.m. with the Speaker presiding.

Conf. Com. Rep. No. 179-06 and S.B. No. 2961, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 4, 2006

Conf. Com. Rep. No. 173-06 and H.B. No. 2277, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2277, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I would like to ask for a ruling on a potential conflict. The firm that I work with, I believe they represent some of the claims in this bill, but I do not work on any of them," and the Chair ruled "no conflict."

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

"Mr. Speaker, I'm rising in opposition. Mr. Speaker, we passed out

a measure like this every single year and I'm bothered by it. I'm not in opposition, I'm just making comments on it. I'm in support.

"We looked at a measure earlier on the OD. It's CCR 86-06 and that bill has a direct relationship to this one. How? Take a look at part 2 of this bill. CCR 86-06 specifically retained joint and several liability for claims relating to the maintenance and design of highways. That aspect of CCR 86-06 comes with a price and the price is expressed within this bill.

"Joint and several liability means that if the Department of Transportation is found even a little bit liable, like say 25% from an accident because of road design and maintenance, DOT is on the hook for 100% of the award. Of the claims listed in part 2 of this bill, 8 of them arise because the Department of Transportation is named as a result of a road or design maintenance and there's specific items listed and I won't go through them. Pulling moneys out of the highway fund to pay for this is \$1,800,941.81. I mean this money could have been appropriated to repair and maintain our roads with a 4 to 1 federal match.

"We shoot ourselves in the foot and keep working up our legs by allowing the situation to continue. We see this claims bill every year. Yet we have in our power a measure to reform our tort system such that the State is only liable in proportion to the amount of wrongdoing committed and we did not. We will keep losing resources to repair and maintain our roads."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2277, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 174-06 and H.B. No. 2045, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2045, HD 2, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support. Each of us is familiar with the plight of infants borne by mothers who abuse drugs or alcohol. These keiki often face a very difficult childhood and are at higher risk of long-term health and social problems. The money appropriated in this bill to establish a pilot perinatal care clinic will be a ray of sunshine into this depressing reality. The earlier we can find the expectant or new mothers with substance abuse problems, the sooner we can intervene and improve the health of both mother and baby. I have additional written comments that I'd like to insert. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"I am very excited to see this bill before us for Final Reading. Each of us is familiar with the plight of infants borne by mothers who abuse drugs or alcohol. These keiki often face a very difficult childhood and are at much higher risk of long-term health and social problems. The money appropriated in this bill to establish a pilot perinatal care clinic will hopefully be a rare ray of sunshine into this depressing reality. The earlier we can find the expectant or new mothers with substance abuse problems, the sooner we can intervene and improve the health of both mother and baby.

"In 2000, Child Welfare Services received reports of 208 drug-

exposed infants. Most of them had been exposed to methamphetamine. In addition, about 20% of pregnant women in Hawaii drink and about the same percentage smoke. All of these practices can have serious consequences for the keiki's health.

"Unfortunately, women who use illegal drugs are the least likely to seek perinatal care. These women fear that if they come forward to get help then their children will be taken from them. This measure would establish a pilot perinatal clinic at the John A. Burns School of Medicine. The clinic will care for women with a history of substance abuse and provide them substance use counseling and psychiatric care. The clinic will also provide case management coordinating its efforts with CWS and other social service providers. The coordination and centralized location should make a big difference in the likelihood that the mothers will get as much help as is available, and that they will get help promptly.

"We must do what we can to protect the innocent victims of maternal drug, alcohol and tobacco abuse. This pilot program is an important step in protecting the next generation for, as we all know, the children are our future. This pilot program is also a perfect example of a relatively modest investment that can reap great returns in reducing future social costs.

"I urge my colleagues to support this Women's Caucus measure. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2045, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 175-06 and H.B. No. 1821, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1821, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you very much, Mr. Speaker. I am so happy to stand in support of this landmark bill. This measure appropriates an additional \$100 more per month for our Medicaid elderly, those who are mentally ill and those with disabilities that are currently in institutions. The last time an increase has been given to these individuals was in 1994 at the tune of \$50 a month.

"As the Chair of Health stated earlier, when discussing the caregiver bill, 3252, the cost of caring from year to year is now about \$60,000 a year. That's \$5,000 a month in our institutions. If we look at and compare the \$621.90 versus \$60,000, that's about \$5,000 a month. That's a huge difference. The difference, Mr. Speaker, is that these individuals will be removed from institutions and be placed in community settings which are more personable. It is like a family setting where they can have personal care, 24 hours per day. The cost to the State with the appropriation in this bill will be increased to \$621.90. This is in addition to the social security benefits and that would total approximately \$1,200 a month.

"I was talking to a friend of mine, last Saturday. I was in Hilo in a care home, and she is an elderly Japanese lady who came from Hamakua. She was first a schoolteacher and became an executive secretary for the big boss at the Hamakua Sugar Company. She now lives in the care home of my relative in Hilo. I was speaking to her and she said she thought it was interesting that she kept seeing my name in the papers in Hilo. She asked me what I do and I told them that I'm a legislator and that I am actually working on behalf of people like herself and people that are living in a care home and

advocating on their behalf.

"We found Mr. Speaker, on Saturday, because we had a speaker who was a case manager, these case managers have a job of placing individuals from institutions into community settings. She said that there is a huge shortage of homes on the Big Island. The reason for that is it's very expensive to build homes and make them conform with the regulations of the State to make sure it's safe and accessible to wheelchairs, if that's the kind of home it is. And they are actually being edged out of the market by product providers.

"Mr. Speaker, the homes are usually grabbed first by private individuals who have money. Individuals with money will pay \$5,000 a month for these beds out in the community. Also according to the Representative from Kauai, she knows of a facility in Kauai that charges \$30,000 a month for a bed in these community settings.

"So, Mr. Speaker, if we don't help and subsidize these Medicaid patients, they will never be able to compete in the market for these community homes. It has been proven that our system, our industry that we have built in our communities are better and more able to take care of them. They are happier. They have better care. They have individual supervision. Think about this, an individual who has 24-hour supervision, they have food, they have shelter, they transportation to the doctors, they have someone to help them with their medication, they have someone to take them to the bathroom, wipe them afterwards, you know what I mean, Mr. Speaker. That's a lot of work and not all of us are lucky to have families that will take care of us.

"So if, as the Chair of Health indicated, we're going to have a whole lot of people in this category in the near future, we better ensure that these individuals in Medicaid will have a fighting chance for these particular homes out in the community. I am proud to say that this is a bill that is landmark. It is for the benefit of those people on Medicaid, the poor, the elderly, and the mentally disabled. To give them an opportunity to acquire homes in the community. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of this measure, however, I do have a reservation about it. The last raise for the care homes was in 1994. And as stated by the previous speaker, these care homes really provide a lot of help to the State of Hawaii. They're saving the State a lot of money. Millions of dollars. As he stated, the cost of care homes in the private community is about \$3,000 to \$6,000 dollars, and we're sparing these care homes a little over \$1,000.

"And the inflation of the cost of housing is so tremendous that it almost doubled. Giving them a \$100 raise a month, I'm grateful to this Body for that \$100 amount, but again, it's just a minuscule amount. And I'm raising this up because I feel that next legislative Session we should visit this matter again to give justice to these people. Thank you everyone, and thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'll make my comments short, but in strong support. Mr. Speaker, I think I would like to take the opportunity to really thank the Chair of Finance and Chair of Human Services for adding money and additional amounts for these care home providers. I just would also would like to take the opportunity to thank those care home operators that do leave these beds open for Medicaid patients as we know that they are paid at a lot lower level than they can get with private paid clients.

"Mr. Speaker, so when you see a care home operator, I know that there is a lot of issues in regards to having care homes in people's district, but also we should be looking at it as a very positive thing for community care and the care of our grandparents and parents and

our elderly. And so at this point and time, Mr. Speaker, just strong thanks to those care home operators who do this when they could making more money. Aloha."

Representative Sonson rose to respond, stating:

"Again, in support. I'd like to thank the Leadership and also the Chair of Finance for his understanding for their understanding in support of this bill going forward. Thank you very much."

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

"Thank you, Mr. Speaker. In strong. I just want to say publicly that this increase is long overdue and probably a little less than what they deserve, but I think in given the situation, we're thankful for the increases. 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 rise in strong support of this measure.

"Patients, as well as families rely upon the compassion and loving care provided by care homes. H.B. 1821 – Relating to Care Homes will adjust the levels of care payments for adult residential care homes, adult foster homes, developmental disabilities domiciliary homes, and developmental disabilities apartment complexes. An increase in pay for employees of Type 1 and Type 2 homes will address the great need to insure quality care. Based on current levels, care homes have no incentive to provide these kinds of services because the money is just not there.

"Each passing year the cost of operating care homes has increased, without a corresponding increase in payments to employees. We must make sure these facilities remain viable options for those in need."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1821, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 176-06 and S.B. No. 475, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 475, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in very strong support. Mr. Speaker, this is a measure that's been long awaited and pushed for for over 13 years now. This is a measure that's going to finally give people on welfare a raise that they haven't had since 1993. And I want to applaud my colleagues for supporting this landmark legislation. And I would just urge though that right now, it's a budget neutral item, which is great and the start date is delayed to 2007 to give DHS time to give us a projection as to the cost. And I urge my colleagues to support future amounts, appropriations if necessary to make sure that the most needy in our society, the people that depend on welfare, deserve the raise that they've been waiting for for over 13 years. Thank you. I have further written comments in support."

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 2006 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, this measure has varying costs, including possible cost savings. The variation in cost is due to the bill's granting of latitude to DHS in adjusting the percentage of the Federal Poverty Level in determining the assistance amount.

"Another very important note is that this bill could provide much needed relief to elderly or disabled Medicaid recipients on the "Cost Share" or "Spend Down" program, by decreasing their monthly co-payment.

"Mr. Speaker, the way this bill is drafted allows it to pass as a budget neutral item. Further, the start date is delayed until 2007 to permit DHS to provide the Legislature with a budget proposal that includes a projected increase in the Standard of Need.

"The advocates for this landmark legislation urge that this Body ensure that this measure provide real relief to those who need it most in the near future. Please support future appropriations, if necessary, to support this raise that welfare recipients have waited over 13 years to receive."

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

"Thank you, Mr. Speaker. This is a measure that I am very supportive of. This is in regards to welfare payments and the standard of need and increasing that. That's correct in regards to the budget neutral part of it. I think that if there was any year and I know that we have to prepare. We have to prepare for this and we have accurate numbers to know what we're getting into, but if there was any year that we would be able to implement this and have it as an expenditure in our budget, it would be this year with our large surplus.

"Mr. Speaker, one of the things that I am concerned about though is that we did not have a financial plan to see if there is room for this in the future. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 475, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 177-06 and S.B. No. 2334, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2334, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 178-06 and S.B. No. 3253, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3253, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

At 7:48 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2277, HD 2, SD 2, CD 1
 H.B. No. 2045, HD 2, SD 1, CD 1
 H.B. No. 1821, HD 2, SD 2, CD 1
 S.B. No. 475, SD 2, HD 1, CD 1
 S.B. No. 2334, SD 2, HD 2, CD 1
 S.B. No. 3253, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 180-06 and S.B. No. 2545, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 181-06 and S.B. No. 2150, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2150, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 182-06 and S.B. No. 2897, SD 2, HD 3, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 183-06 and S.B. No. 2273, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2273, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 184-06 and S.B. No. 965, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 965, SD 2, HD 1, CD 1 pass Final

Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in strong support of this measure. Senate Bill No. 965. This bill conforms our State law on electronic surveillance to the federal wiretap law. Use of current law has posed safety problems for law enforcement, therefore electronic surveillance has rarely been used as a tool in combating crime.

"However, the passage of this bill will enable law enforcement officials to make better use of our law and help them fight crimes like the manufacture and distribution of ice. As a result, our neighborhoods across the State should be safer. Hawaii is one of about 28 states that has a federally funded office, the High Intensity Drug Trafficking Office. And they have done a lot of work and are actually responsible, working with our police and DEA, of bringing down some big drug busts. But because we have not amended our law, much of the evidence that they had and collected through their surveillance, electronic surveillance, was unable to be used so it's really going to help a lot, the passage of this bill.

"This is an issue that your House Republicans and the Governor have long been pushing for and I'm glad to see that today we can all come together to help fight ice in this State through this measure. Thank you Mr. Speaker."

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

"Mr. Speaker, standing in support. Would like to just state that, I want to thank the Chairs of the Senate and House Judiciary Committees for their hard work and dedication in resolving this matter and working in negotiations. Thank you."

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

"Thank you, Mr. Speaker. In support. And I just wanted to clarify that the current wiretap bill, and why law enforcement has not used it was not so much the hampering of the process, but really a cost issue. So by allowing this law to mirror a little bit of what the federal law allows, State law enforcement would not have to spend the money to do the wiretaps. So it's always been a cost issue and not so much the hampering process.

"But I would like to thank the good Representative from Mililani, he has really helped in the negotiations and understanding the wiretap law to its fullest, and he has done a great job in Conference. Thank you."

Representative Finnegan rose in support of 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. 965, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 185-06 and S.B. No. 2958, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2958, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, in strong support. Mr. Speaker, I want to thank you first and the leadership in this House for the fine leadership that you have provided me as your Chair in Housing in shepherding this omnibus bill. We should be celebrating tonight as a result of this omnibus bill, and it is really a Minority and Majority effort. And Mr. Speaker, the purpose of this bill is to alleviate the burden of Hawaii's affordable housing and homelessness crisis.

"As you are aware that the report of the Joint Legislative Housing and Homeless Task Force of the Hawaii State Legislature pursuant to Act 196, Session Law of Hawaii 2005, made recommendations as to what is needed to aid the housing crisis for the estimated 44,000 new housing units we would need by the year 2009. 33,000 of these units are needed on the island of Oahu alone.

"The recommendations were: one, to leverage more sources of financing for affordable housing; two, make available more public land for the development of affordable housing; three, streamline government approvals and permitting of affordable housing project; four, build more offsite infrastructure to serve affordable housing; five, appropriate additional funds for transitional housing, shelters, and services for homeless population; and six, preserve and maintain the existing public housing stock.

"As a result, this measure acts upon these findings by extending the use of the Rental Housing Trust Fund Program by authorizing the agency to provide funds for project-based operation subsidy. It also increases the conveyance tax to the Rental Housing Trust Fund from 30% to 50%, which would realize a little over \$14 million more for these purposes. It also promotes the development of self-help housing by allowing the agency to lease parcels of land for \$1 per year. It also requires the agency to identify public lands suitable for these purposes and that the lands be transferred to the agency no later than December 1st, 2006.

"It also appropriates \$20 million for grants-in-aid for homeless services and transitional housing. Appropriates \$10 million to repair and modernize vacant units on federal and State public housing. It appropriates \$400,000 for interim construction loans for up to 10 homes to be developed as self-help ownership homes. This measure also provides ..."

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

Representative Kahikina continued, stating:

"Thank you, Sir. This measure in conjunction with Senate Bill 2958, SD 2, HD 1, CD 1, provides meaningful relief for Hawaii residents struggling with skyrocketing home prices and homelessness.

"This bill also notes that an additional \$5 million will be awarded through grants-in-aid, but recognizes that a number of worthy nonprofit organizations did not submit request for grants-in-aid, including agencies such as the Institute for Human Services, Steadfast Housing, Gregory Housing, and Housing Solutions to mention a few.

"Also, Mr. Speaker, it appropriates funding to the counties, to all the counties, and some grants-in-aid appropriations. It also continues grants-in-aid in the tune of \$700,000 to Hawaii Habitat for Humanity Association, \$350,000 to the Nanakuli Housing Corporation, \$225,000 to Hawaii Homeownership Center, and \$490,000 to Lokahi

Pacific. And lastly Mr. Speaker, it appropriates \$1.5 million for land acquisition for the Kulana Nani property in Kaneohe in preserving its rental stock.

"However, Mr. Speaker, it was brought to your Chair of Housing by the Executive Director of HCDCH, Stephanie Aveiro, that although item 6 of the Committee Report of our omnibus bill clearly states that we are appropriating \$10 million to repair and modernize vacant units in federal and state public housing projects, that the bill itself in section 4 reads as such, "there is appropriated out of general revenues of the State of Hawaii the sum of \$10 million or so much there as may be necessary for fiscal year 2006 and 2007 to repair and modernize existing federal and state buildings for transitional shelters and emergency shelters as defined under section 201g-451, HRS."

"Therefore, Mr. Speaker, I want to make the point very clear that the intent of the legislation was to expand the use of repairs and therefore the appropriate reading should be that "there is appropriated out of the general revenues of the State of Hawaii the sum of \$10 million or so much there of as may be necessary for fiscal 2006 and 2007 for the repair and modernization of vacant units in federal and State public housing projects or buildings of transitional shelters and emergency shelters as defined under section 201g."

"Finally, Mr. Speaker, I want to thank my Vice Chair, my Co-Chair in the Conference, also the Chair of Finance and more so for all of my colleagues for this wonderful *lokahi* effort in addressing the homelessness and housing crisis in the State of Hawaii. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, in strong support. Many years ago I observed a conversation with a statesman and another person working here at the Capitol and they said there's really nothing wrong with politics here at the Capitol, it's really the best and worst of human behavior intensified ten times. I have to tell you, Mr. Speaker, this has been the best I've seen of us in a very long time and I'm so proud to have been involved in the Conference Committees on both housing omnibus bills. And I truly am thankful that we have given so much hope to people who have lost hope. There's no better gift that we can give a family than a roof over their head and a warm meal and some extra help to find a job. So I thank all of you for all of your support in this endeavor, especially the Housing Chair and Vice Chair. Thank you."

At 7:59 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 8:07 o'clock p.m.

Representative Kahikina rose, stating:

"Thank you, Mr. Speaker. Mr. Speaker, in my great haste and excitement over the omnibus bill and the late hour sitting in this Body, Mr. Speaker, I was referring to Senate Bill 2958 and House Bill 2176. Both are sort of like a double-hulled canoe in addressing our homeless and housing crisis. So Mr. Speaker, I was corrected that the Senate Bill 2958, SD 2, HD 1, CD 1, addresses the non-fiscal appropriations or policy and procedures that deal with the whole effort to deal with homeless and housing.

"So at the point where we get to House Bill 2176, I would request that my remarks be enter in the Journal and further written comments be also. Thank you."

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

"Yes, I was taking the lead of our Housing Chair and I'll have the same request."

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

Representative Thielen's written remarks are as follows:

"'Lucky we live Hawaii'. For my living in Hawaii, this statement is very true, but for a growing number of Hawaii residents, every day is a struggle to make ends meet and to keep a roof over their families' heads. Thousands of individuals and families find themselves living outside, with no protection from the rain and the sun, with no privacy and their dignity slipping away. We live in an age where we can send people to the moon and far beyond, yet there are thousands of families living in unsafe conditions right here in our own State. It is estimated that there are more than 6,000 individuals homeless on any given night here in Hawaii, and more than 14,000 experienced homelessness at some time throughout the year. More than 35,000 affordable units are needed to address the needs of those who are homeless and those who are considered to be the 'hidden homeless.'

"Affordable housing has become a top priority for Hawaii's policy makers over the last few years, and we are making strides towards ending chronic homelessness and increasing the number of affordable housing units available. But we have much more work to do. It is imperative that we look for long term solutions to homelessness while still providing short term care and shelter for those living out on the streets and on our beaches today. Key initiatives that are being proposed include allocating a larger percentage of the dedicated conveyance tax to the development of affordable housing, appropriating funds to repair vacant public housing units, and providing incentives for developers to create new affordable housing units. These initiatives, along with the assistance of the community will help us to crawl out of our housing crisis. No longer can we say, 'Not in my backyard,' for the issue of homelessness and the need for affordable housing has affected every community throughout the Hawaiian Islands."

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, 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. 2958, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 186-06 and S.B. No. 819, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 819, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. And I would first of all like to thank the Committee members and individuals who helped with this measure. In particular, I would like to thank our esteemed Chair of Water, Land, Ocean for his vision and help.

"Mr. Speaker, this bill allows for civil, criminal, and administrative penalties, fines, and other charges collected under Chapter 6E of the Hawaii Revised Statutes to be deposited into the Hawaii Historic Preservation Fund. The money deposited into the fund may be used to fund permanent and temporary staff positions and cover administrative and operational costs of the historic preservation program.

"I have spoken many times on how important historic preservation is to Hawaii because I believe it is a critical issue that needs immediate attention considering the unstable condition of some of our favorite local historical sites and because of the pressure to demolish intact buildings in Hawaii.

"Hawaii's history is worth preserving. This bill clarifies how the Historic Preservation Fund will receive resources so it may offset the cost for enforcement of historic preservation laws. In addition, this measure will ensure that the Department of Land and Natural Resources may maintain sufficient staff to conduct development reviews.

"Mr. Speaker, I am very glad that this legislative body feels that historic preservation is important to our future generations. On behalf of the Heritage Caucus, thank you very much."

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

"Mr. Speaker, I rise in strong support and it's really nice to see that we've passed out some pieces of legislation this Session on historical preservation. Since I was elected four years ago, I've always looked for opportunities for historic preservation and I even approached the Chair of Water, Land, and Ocean Resources and had lengthy discussions about possibly even looking at historic preservation division within DLNR and look again at what is its overall mission and what we want to do with it in the future.

"So I think this is a step in the right direction. As you know, I'm Co-Chair of the Heritage Caucus and I believe this year was extremely important to bring it to the attention of our Body because we're going through so much economic development and land development with roads and all the infrastructure that we're building, that I want to make sure that we remember our history and our culture and protect some very important sites. Thank you."

Representative Cabanilla rose in support of the measure and asked that the remarks of Representative Ching 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. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 8:12 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 2150, SD 1, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1
S.B. No. 2273, SD 2, HD 1, CD 1
S.B. No. 965, SD 2, HD 1, CD 1
S.B. No. 2958, SD 2, HD 1, CD 1
S.B. No. 819, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 187-06 and S.B. No. 2133, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2133, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. This measure, Mr. Speaker, creates a Hawaii Health Commission and appropriates \$200,000 to continue the work of the Governor's Hawaii Healthcare

Task Force. The Governor's Task Force has not even come back with its recommendations yet. They will not be ready until June. If they come back with a recommendation stating that universal health care is not the best medical option for Hawaii, then this Commission would be pointless. I think we owe it to our taxpayers to wait at least for the results before we use their hard earned tax dollars.

"Additionally Mr. Speaker, the makeup of this Hawaii Health Commission is nothing like the Governor's Task Force. The Governor's Task Force has 13 members, this committee will only have 5. Out of the 5, Mr. Speaker, the Governor must pick 2 members submitted by you and 2 members submitted by the President of the Senate. To me this seems like a very political agenda to have 80% of the members come from those that you and the President of the Senate have selected. What this is saying to the public is that we do not want a nonpartisan review on something as controversial as universal health care. It appears that the Majority of this Legislative Body wants the result to come out a preconceived way.

"Another disturbing aspect of this bill is the provision relating to thimerosal containing vaccines. This bill is another attempt by this Legislature to disturb the doctor-patient relationship. By banning vaccines containing thimerosal, we're telling our doctors in this State that we know better than them what vaccines are safe for their patients.

"We have a doctor in the House and he may stand up in a moment, but I want to say there is no proof that thimerosal increases the chance of autism. This is according to the American Academy of Pediatrics and they say that the claim that thimerosal's ill effect on the neurological development of infants is based on studies of methyl mercury. Thimerosal does not contain methyl mercury, therefore the fear this bill states on page 4 is unwarranted.

"On page 5 and 6 of this bill, it states that the Department of Health may seek an exemption from using mercury-free vaccines if it determines there is a shortage of a mercury-free vaccine. However, it does not state in the bill who the Department of Health has to receive approval from to use the alternative vaccine. If there is an influenza outbreak and there is a shortage of mercury-free vaccines, who legally determines it is okay for the Department of Health to make exemptions? This could put our citizens at risk. I for one am not willing to take that risk, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support of Senate Bill 2133. Thank you, Mr. Speaker. I think most of us are aware of the escalating growth and cost of healthcare over the past 30 to 40 years. And like the weather, it seems like we're unable or unwilling to do anything about it. How many of us realize that the healthcare industry is the second largest private industry in Hawaii with \$2.2 billion or 7% of the State's gross domestic product and \$1.44 billion or 11.5% of the private industries total wages for those employed in the industry. Current trend shows increase in healthcare costs and personnel that will be borne by the providers or government.

"Without any rational and progressive planning we can expect problems of rising premiums, deductibles and co-payments, reduced benefits, failure of employers to provide health coverage to retired employees, Medicare and Medicaid cuts and in Hawaii's case, manipulation of work schedules to avoid mandatory coverage.

"To put a face on the problem, let me read an excerpt of a testimony from small businesspeople, Steven and Barbara Tanaka, operating a business called Tanaka's Fresh Fish in Waipahu and he says, I quote,

In the year 1976, I started my commercial fishing business and in 1988, I married and together we now operate our business, Tanaka's Fresh Fish. Our business was successful until a few years

ago due to high expenses. Very hard times now for us. When I first started my business, my healthcare was less than \$200 a month. It is now climbed to over \$1,000 per month for a family of three. That's more than \$12,000 a year. That is if we don't get sick. If we get sick, add on all the high co-payments. This is more than our house mortgage, property tax, and house insurance all together.

Ten years ago, my wife, Barbara, was caught without health insurance and ended up in the hospital. This cost us over \$10,000 and we're still paying for it. When we asked the State for help, their reply was, too much assets and we didn't meet their guidelines. Once again, just a couple months ago we asked QUEST for help due to our decline in income and expenses. Same answer. Too much assets and possible income. I guess you have to sell your assets, you have worked so hard for through the years, then you qualify.

It will really help our business as well as the State of Hawaii to have universal healthcare for everyone. Please consider our request for a better healthcare system that we all would benefit from.

"Seven years ago, our healthcare costs under Medicaid was ballooning out of sight with the Department of Human Services annually requesting emergency appropriations for the QUEST program to meet shortfalls in the budget. And it was your vision at that time, Mr. Speaker, as a Finance Chair, as well as that of Speaker Emeritus Souki, to direct the Department of Human Services to contain the spiraling cost of Medicaid, while maintaining the quality of care. Out of that mandate the Hawaii QUEST program was formulated with a federal 11-15 waiver.

"And Mr. Speaker, we need that same kind of bold leadership to achieve that vision of quality healthcare for all, while keeping cost in check through the most prudent use of current healthcare expenditures. House Bill 2133, if enacted would give us the opportunity to investigate and assist alternative means to provide coverage for all residents. Especially the uninsured, which now represents about 15% of our population. It would continue the good work of our healthcare task force led by the Vice Chair of Health and the House Minority Leader.

"And finally Mr. Speaker, I would like to have my remarks and this bill dedicated in honor of Ah Quon McElrath or AQ as many of us know her. She's a retired social worker of ILWU Local 142. A social activist who worked on health needs of working people and their families for 25 years, and a fearless and outspoken advocate of the poor and underprivileged.

"Senate Bill 2133 will help the State of Hawaii to move towards universal health coverage for all Hawaii's citizens and I urge my colleagues to support this measure. Thank you, Mr. Speaker."

Representative Moses rose to a point of information, stating:

"Thank you. Point of information. I let the previous speaker go on, but are we debating universal healthcare or we debating this Committee which is supposed to decide whether we need it or not?"

The Chair responded, stating:

"We are debating universal healthcare tied to this particular Committee."

Representative Moses continued, stating:

"Excuse me, Mr. Speaker, then I have some more to say. Thank you, Mr. Speaker. Over and over again on this House Floor I talked about universal health care and the downfall of it. I did not bring all my data with me because I didn't think we were debating it tonight, but universal health care has been tried. Canada is privatizing their healthcare system because people come across the border to try to get

doctors. I talked about hip replacements. A person, a human waits 4 months for a hip replacement. A dog gets it in 2 weeks in Canada.

"And over and over again, I brought up the fact that what happens when people are trying to have an obstetrician, a pediatrician, whatever it is, there are shortages of all those doctors and the people are waiting months and months and months. I don't think that's what we want to do to the people that live here in Hawaii. We don't want to make them wait for healthcare like they do in Canada, England, and all the other countries I talked about on this House Floor for months. Thank you."

Representative Arakaki rose to respond, stating:

"Mr. Speaker, just a rebuttal. I believe the speaker is being critical of the single payer system and this measure does not specify a single payer system. Universal healthcare is evident in all the industrialized nations, and I think the United States is one of the few countries that doesn't have access to healthcare for all its citizens so there is a difference. And I know in some countries, in fact many countries it does work and I can point to Germany and Japan as examples. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Very briefly in support. I would just say that if a single payer system does come into effect in Hawaii, it would be uniquely American. I think that we could quibble at this late hour. I'm not going to take up the entire debate on universal healthcare.

"I would just say this, an investment in planning and investigating solutions needs to be done. We have an \$8 billion annual industry in healthcare in the State. \$8 billion a year. That's the numbers. That's how money is going in and out of healthcare. If we want to be loose with that, if we want to kind of abrogate our responsibilities, shame on us. I do think we have to have real answers, real solutions, to get healthcare for everyone.

"I don't really care at the end of the day what we call it, but the rhetoric about my dog getting his hip replaced doesn't do anyone any service. And I love my dog, but I'll tell you, we really have some real issues. We've got a 100,000 people that need healthcare. We're doing great things for kids. But play partisan games with this, boy, there's going to be heck to pay. Thank you."

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

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2133, Conference Draft 1.

"Part I of the bill would appropriate \$200,000 for the creation of a Hawaii Health Commission to continue the work of the Governor's Hawaii Healthcare Task Force of 2005. More specifically, the Commission would be responsible for determining future capacity needs of health providers, facilities, equipment, and support service providers, and developing a comprehensive health plan that would include:

- Establishment of eligibility for inclusion in a health plan;
- Establishment of all reimbursable services to be paid by the Commission;
- Establishment of all approved providers of service in a health plan;

- Evaluation of health care and cost effectiveness of all aspects of a health plan; and

- Establishment of a budget for a health plan.

"By way of background, this Legislature enacted Act 223, Session Laws of Hawaii 2005. Part I of this law established a Temporary Healthcare Task Force to develop a plan for universal health care in the State of Hawaii. Pursuant to this law, the temporary healthcare task force contracted with The Lewin Group -- a premier national healthcare and human services consulting firm with more than 35 years of experience in creating strategies for institutions, communities, governments and people to make healthcare and human services systems more effective -- to provide a detailed actuarial analysis of the feasibility of a single-payer health insurance system in Hawaii.

"In March of this year, The Lewin Group released its discussion draft of "Analysis of the Impact of an Illustrative Single-Payer System for Hawaii". In it, The Lewin Group found that the single-payer model held significant potential to reduce the cost of health care in our State. By reducing administrative costs for insurers and providers, eliminating market costs and the contract negotiating process, establishing uniform billing processes and covered services, and utilizing bulk purchasing of drugs and medical equipment, The Lewin Group estimated that a single-payer system could potentially save everyone approximately fifteen percent (15%) in healthcare costs each year.

"To put this into perspective, nearly 8 billion dollars will be spent on healthcare in Hawaii in 2006. While most of these costs are paid for by employers and consumers pursuant to the Prepaid Health Care Act, a considerable amount is also paid by the State and federal governments through the QUEST program, Medicare, Medicaid and other programs.

"Furthermore, the State also provides grants to our community hospitals for indigent care to offset the burden our growing uninsured population places on the system. As the number of uninsured grows each year, so do the grant-in-aid requests grow from our hospitals and community health centers.

"According to The Lewin Group, the 15% reduction in total healthcare costs that would result from implementing a single-payer system would equate to \$678.8 million in cost savings each year with the added benefit that everyone in our State would be provided with quality healthcare.

"As evidenced by the contentious debate on universal healthcare in recent years, much still must be done to gain consensus among businesses, labor, insurers, health care providers, hospitals, and our government to make such an ambitious scheme work.

"That is why I strongly support Part I of Senate Bill No. 2133, Conference Draft 1. Part I of this bill will ensure that the work of the temporary healthcare task force will continue with specific emphasis on the logistics needed to be worked out before a single-payer system in our State can be effectively implemented. Among other things, the Healthcare Commission will determine the eligibility requirements for coverage, reimbursement rates for healthcare providers, the services that would be offered under the healthcare plan, and the cost effectiveness of procedures. With this information, the Legislature would be in a better position to enact legislation that would establish the single-payer system in our State.

"For these reasons, I respectfully urge your favorable consideration of Senate Bill No. 2133, Conference Draft 1.

"Lastly, I would like to join my colleague from Kalihi in demonstrating my sincere appreciation to Ms. Ah Quon McElrath. Her passion, and unceasing drive on this issue has truly been a blessing to the people of this State."

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

"On Conference Committee Report 187, I will be in opposition because of the mercury vaccine, and I will submit some remarks in the Journal with your permission," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"I am in opposition to SB 2133, SD 2, HD 2, CD 1 because of the section that may prevent public health officials from dealing with a possible pandemic. I submit a communication from Dr. Jeffrey Lim on this measure.

Please vote **NO** on Bill SB 2133 limiting then banning Thimerosal-containing products (i.e. inactivated influenza vaccine) this fall 2006.

The State of Hawaii legislature will have no reasonable control over the availability of Thimerosal-free influenza vaccine and cannot ensure an adequate supply for the children of Hawaii at risk for this potentially life-threatening disease. Please do not rush into creating a law that will mandate its use, without offering very specific, practical alternatives in the likely event of a Thimerosal-free influenza vaccine shortage."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 41 ayes to 7 noes, with Representatives Ching, Evans, Finnegan, Marumoto, Meyer, Moses and Stevens voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 188-06 and S.B. No. 2502, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2502, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 189-06 and S.B. No. 2143, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2143, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 190-06 and S.B. No. 2484, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2484, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 191-06 and S.B. No. 2480, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2480, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 192-06 and S.B. No. 2504, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2504, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 193-06 and S.B. No. 3090, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3090, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in very strong support of this measure. I am quite ecstatic to see that the Labor Chairs, and I commend them, that they have finally realized that the work comp system in Hawaii is inefficient, lacks clarity and uniformity. While this mandate is unfortunately unfunded, perhaps maybe next Session we can step up to the plate, and now that we have acknowledged it is broken, that maybe we can fund the system and be able to deliver prompt, efficient, clear, service to our workers. 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 8:26 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2133, SD 2, HD 2, CD 1
 S.B. No. 2502, SD 2, HD 1, CD 1
 S.B. No. 2143, SD 2, HD 1, CD 1
 S.B. No. 2484, SD 1, HD 1, CD 1
 S.B. No. 2480, SD 1, HD 1, CD 1
 S.B. No. 2504, SD 2, HD 2, CD 1
 S.B. No. 3090, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 194-06 and S.B. No. 3270, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 195-06 and S.B. No. 2214, SD 2, HD 3,

CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2214, SD 2, HD 3, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition to SB 2214 and the Conference Draft. In opposition. Mr. Speaker, there are two ways to deal with natural disasters: pay for them to after they happen or be prepared before they happen to mitigate loss of life, damage to property, and provide adequate supplies and shelters for all of our people.

"When SB 2214 passed out of the Floor of the House as an HD 3 on April 11, the vote was 49 in favor, 2 excused. An unanimous vote. The makeup of the bill was to prepare for the future and to plan to mitigate the loss of people and property.

"When we got into Conference with the Senate, we hoped to arrive at a good consensus between the House and the Senate. The House proposed CD 1 provided for the following: a civil defense preparedness special fund to be spent by the Department of Defense without any prior approval for a wide variety of purposes to prepare this State for a wide variety of natural disasters.

"It provided for a comprehensive natural disaster emergency shelter plan. It provided for a disaster preparedness plan for health care facilities and nursing homes to avoid the problems experienced by Hurricane Katrina. It provided for the establishment of a Hazard Mitigation and Planning Commission. To quote, 'develop and maintain an accurate database of maps with information.' It would have been publicly accessible information on all natural disaster zones with frequency, with expected losses and so on and so forth. We felt that this section of the bill was the most valuable so that everyone in this State, businesses, private citizens alike, would have a good idea of risk from natural disasters, where the most likely hazards are located, and how to plan for them. The database would also provide the central source of information based on scientific evidence so that building hardening, development of shelters and emergency planning would be run in a manner to minimize the destructive effects of all natural disasters, not just hurricanes.

"We agreed to the Senate proposed statewide building code and design standards and felt that they should be in concert with the expected type of natural disaster. We provided for an emergency cache of food, water, generators, medical supplies to sustain disaster victims. The Senate wants supplies for 5,000 people. 5,000 people is a small neighborhood. It's simply not enough. We felt that emergency supplies for 50,000 was a more appropriate number. The House proposed that the cache be spread out in locations all over the State. Not just here and there, so that supplies could be distributed quickly in any area where a disaster may strike.

"We agreed that hospitals should be hardened for hurricanes, but we want them to be hardened to prepare for other types of natural disasters as well. We agreed to the amount of the appropriations that are now on this bill. I didn't have a problem with that.

"Mr. Speaker, we felt that this proposed CD that we had met with the Senate, we met them more than halfway. We took out a number of proposals that the Senate objected to such as the creation of the PERP Committee. The Senate's response was to about-face and run. It appeared that the only natural disasters that they recognized as a danger were hurricanes. Perhaps they had already forgotten the flooding last month or the dam break on Kauai.

"In fact, when I asked if the Senate recognized that there were more natural disaster than just hurricanes, a Senate staffer responded to that, and I quote, 'Hurricanes cover all natural disasters.' I knew then that it made no sense for me to argue any further.

"Mr. Speaker, earlier last week I talked to the experts that the Chair of Public Safety and I had been dealing with for about three months in developing our bill. UH professors with an expertise on natural disasters, representatives from the financial, real estate, and insurance industry. They advised me that if the Senate did not recognize the importance of an overall approach to dealing with natural disasters, that I should walk away from the bill. After the Senate's response to our proposed CD, they were shocked and I walked away.

"Mr. Speaker, there are times here when we must just take a stand on principle and for me, this is one of those times. 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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Herkes voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 197-06 and S.B. No. 3120, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3120, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 198-06 and S.B. No. 3035, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3035, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'll be voting no on this measure. I spent a lot of my time following the Conference Committee on this measure and I don't know whether I lost something in the communications, but I read the bill and I read the Committee Report and it looks like there's no way of reimbursement should temporary disability payments be paid to an employee when it should not have been.

"If that is the case and if I'm missing something in the Committee Report, the ramifications for our work comp premiums and the impact on the cost of doing business is going to be rather crucial if this bill were to pass.

"I think it's interesting that in a couple of measures earlier we had the Labor Chairs admitting that we do have a problem with our work comp system and it lacks clarity and uniformity. I have seen employees deprived of their temporary disability payments because there is such a lapse in time between when their disability is denied before the Director can step in and mitigate the issue.

"However, we haven't addressed the core problem here which is whose bottomline is going to pay for these additional expenses? Is it the system? The system needs to be fixed. If it needs to be fixed, then there needs to be a way that we can expedite these hearings so that we can deal with this issue. I kept waiting for our Labor Chairs to give us a resolution on how do we get our credit back. How do we take care of the fact that the experience rating through no fault of the employer could be raised? I still haven't got an answer. It's not in the Committee Report and if I'm missing something, I sure would like to stand to be corrected. Until I'm corrected, unfortunately I'm

going to have to vote no against this and my apologies to the employees of the State. Thank you."

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

"Mr. Speaker, just brief comments in support to clarify the misrepresentation stated to this Body and also to state that I have not admitted to anything. If you read the Committee Report on page 2, Mr. Speaker, it says, "Your Committee on Conference finds that concerns on the employee obtaining a credit for voluntary payments made in the form of TTD benefits were already addressed under section 386-52, HRS."

"If you turn to that section, Mr. Speaker, it talks about people who paid TTD and did not have to. That would be employers or insurers. That they can claim a credit and supply it to any future payments that go to partial permanent disability. This means that that injured worker would get less payments under partial permanent payments. So it does address that concern. Statements made to the contrary are absolutely wrong. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I rise in support with just some reservations. Thank you. This bill, I believe is important for the employees to be able to continue their medical care, but I just had some concerns that it might possibly result in some abuse of the system. For perhaps from the doctors who continue to treat patients who are already cured and just continue to treat them and collect payments for it, and also from the employees who may want to stay out of work. But I think the overriding concern is for the employee's health and to make sure that their treatments do not stop.

"One positive note that I would like to note is that the Director of DLIR did say that if this bill does pass, he will do everything in his power to speed up the hearing process and make sure that a decision is made on the applicability of the employee's claims as soon as possible, so I think that may result in a good thing all around. Thank you."

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

"Thank you, Mr. Speaker. In support. I do have some reservations on this. I think it's correct that the workers' compensation carriers of insurance have something to worry about in certain cases. In an instance where they cannot recover their money is when the final resolution will determine that the case is not compensable so there is no TTD. There's no future benefits at that point.

"There may or may not be any other recourse for them. But this bill is also very helpful in such cases as when a worker is injured and doctors are obtained by the insurance carriers and usually they have a list of doctors that are preferred. And what's been noticed by consumer lawyers such as myself, Mr. Speaker, is that these doctors tend to have opinions that tend to always say that the claim is not compensable. This leaves the injured worker no recourse, no treatment and it is a burden on the worker and also their families.

"What tends to happen after that is that a decision has to be made by the attorney representing the injured worker. And the decision has to be made whether or not they also would like to spend \$2,000 or more to obtain their own doctor's opinion. It can be purchased, opinions can be purchased from these lists of doctors out there from both sides. The opinions tend to say that it is compensable. And then the process does get longer because now you have one doctor saying, it's not compensable, and another doctor saying, it's compensable.

"So the worker is trapped between these competing doctors that are paid for. And then a decision has to be made by the Director. And if

it is in favor of the claimant at this point, the worker will get his or her benefit. The delay is really indeed a very difficult one for the workers. Because I see mostly their side, maybe I tend to side with the claimants who are the injured workers at this point, and perhaps maybe I could ask for a ruling whether or not I'm in conflict because I do represent claimants, Mr. Speaker.

"My opinion on this particular measure going forward is mixed. I see things that could go wrong for both sides. But I'd like to point out for this Body that we attorneys working in this area have now become entrapped in this system where we rely on doctors who have no liability whatsoever for their opinions. Doctors who can say that this person is not suffering from injuries at work, who may provide opinions that may be biased. We are trapped in this system and actually it's not that the attorneys who will suffer. It is the workers.

"So the net result, I guess with passing this bill is that we do have a safety net. If we care for workers and say that they do have less resources than the employer and the insurance carriers, then it is a very compassionate bill. We are looking at the worker who has given up his or her right under the workers' compensation statute to sue the employer. And giving up that venue, this legislative Body has decided long ago that in return of that, the workers will be provided medical care through our workers' compensation system. Thank you very much, Mr. Speaker."

The Chair then stated:

"Representative Sonson, before I move on to Representative Moses, there is no conflict."

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

"Thank you, Mr. Speaker. In opposition. I'm reading the bill over and over again and I'm confused. It says, when the employer is of the opinion that temporary total disability benefits should be terminated because the injured employee is able to resume work ... So the determination is already made. The employee can resume work. The employer shall notify the employee and the Director in writing of an intent to terminate the benefits at least two weeks prior to the date when the last payment is to be made. So there's two weeks notice. Provided that if the injured employee has not actually resumed work, temporary total disability benefits shall continue to be paid until a decision by the Director to terminate the benefits.

"So the employee can determine when he goes back to work. It's not just my interpretation of this. From the Department of Human Resources Development, they say, 'The bill would require payment of temporary total disability benefits to continue even if an injured employee was able to resume work. Passage of this bill will be tantamount to allowing an injured employee to determine when he or she should return to work even if their own health care provider has certified that the employee is capable of doing so.'

"So this is the employee's own healthcare provider saying you can go back to work and the employee doesn't and we still have to pay TTD? I don't understand that. I understand paying TTD for an injured employee. I'm all for that, but this looks like the employee just says, 'No, I'm not going back to work,' and you have to keep paying them. Thank you."

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, this bill, an imperfect bill I believe, but good bill, addresses an important problem that there are some employees that are prematurely terminated. And for them or for anyone that's terminated, they can appeal. But the concern on my part is for those that should not have been terminated, that were prematurely terminated. They go through the appeal process, and it might take a few months before it's decided. Well under the current circumstance they are without

benefits until it's decided, in which case, then it's unfortunate for those employees that go without benefits when they should have had them.

"So what this bill allows is that as soon as the person gets the two weeks notice that was mentioned earlier, they can appeal and during the appeal process they will continue benefits until it's adjudicated, if you will, until it's decided. Well I think Mr. Speaker, one of the things that will come of this is that almost all employees that are terminated will appeal. They will assure that they have benefits until it's decided and that will put pressure. That will then, I believe cause the decision making process to speed up. It will have to speed up.

"A good feature of this bill, Mr. Speaker, which was developed in Conference, is the start date. The effective date of this bill, January 1. It's not going to start this summer. It's going to start in January. That gives HR departments, Human Resources Departments time to discern what impacts this might have for the insurance companies to figure out how this is going to impact their workers' comp cost and it will impact workers' comp cost under this current law. So that's a good thing.

"Another good thing is that this starts in January right before we go into Session. And we, I think are experienced with this, it will be immediate, and we can make corrections to this before this law actually is implemented for 6 months. We will have had the opportunity to modify this.

"So bottomline, even though I don't believe this bill is perfected yet, it generally serves a very good purpose in that it serves those people that were prematurely terminated. Thank you."

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

"Thank you, Mr. Speaker. I don't think there's any doubt, I'm in opposition, that this bill will increase the cost of workers' comp dramatically. My good colleague from Maui says he thinks that people will automatically, everybody will appeal as soon as their medical provider says, 'You're good to go. You're fine. You can go back to work.' Let's appeal. Why not? You can continue to collect disability benefits for maybe two months, three months. Take a vacation, visit your friends on the Neighbor Island, go to the beach everyday.

"This bill is really set up for a lot of abuse. As it is now, under the law that is on the books now, Hawaii's workers stay out longer than workers in any other state. Why is that? They're already staying out longer than anybody else. Now we legalize this bill to a point where we're almost asking people, 'Appeal. Don't go back to work. You don't have to.' So we're really moving in the wrong direction. Businesses have been asking us for years to do something about the cost of workers' comp and we simply turn our backs on them and move down the road in the opposite direction. 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. 3035, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," passed Final Reading by a vote of 40 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 199-06 and S.B. No. 2505, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2505, SD 2, HD 1, CD 1, entitled: "A

BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 200-06 and S.B. No. 2274, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2274, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

At 8:49 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3270, SD 2, HD 1, CD 1
S.B. No. 2214, SD 2, HD 3, CD 1
S.B. No. 3120, SD 2, HD 1, CD 1
S.B. No. 3035, SD 1, HD 1, CD 1
S.B. No. 2505, SD 2, HD 1, CD 1
S.B. No. 2274, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 201-06 and H.B. No. 2778, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2778, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. And it is really unfortunate that the Chair of Agriculture is not here because it was because of his foresight and his strength that we have this bill in front of us. And on behalf of Labor Chair and myself, we've really been educated on this issue and we saw the inequities in State and county government due to inability of language access. And at this point and time, we would just like to recognize people in the gallery who have worked so hard on this issue."

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

"Thank you, Mr. Speaker. In strong support of 2778. I also want to join the Chair of Judiciary in providing accolades to my *compadre* from Kalihi, although he's not here, for shepherding this important measure. Thank you."

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in support of House Bill 2778, HD2, SD2, CD1.

"Mr. Speaker, I believe that the passage of this bill regarding language access provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language proficiency barriers.

"The importance of passing this bill is that it will ensure and improve access to State and county government agencies to people

who may experience difficulties communicating with these agencies due to the fact that English is not their first language. The effective development and maintenance of a free and democratic society depends on the ability of our government to be able to properly communicate with all of the people of our State. We have found that a substantial number of Hawaii's population are unable to communicate efficiently or effectively with our government agencies because their primary language is not English. Therefore this population is being denied the benefits and the rights that they are entitled to.

"The Language Access Bill will provide for the effective communication of individuals between all levels of government who would otherwise be precluded from accessing these services due to a language barrier. This bill will ensure that all of the people of Hawaii will be entitled to the same rights when dealing with our government and county agencies. Thank you Mr. Speaker, and I ask that my fellow legislators join me in supporting this bill. Thank you Mr. Speaker."

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

"In strong support and I request that the Chair of Agriculture's comments be allowed to be inserted in the Journal because I'm sure he would like to insert some comments."

The Chair then stated:

"He is not here presently."

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

"Mr. Speaker, brief comments in support. I just want to echo the Judiciary Chair, and in fact without the Representative from Kalihi, and the Chair of Agriculture, talking to the Chair of Labor, we probably would not have heard this bill because we didn't really appreciate its significance. And once we heard it, and when we heard from the stakeholders who are sitting up in the gallery and many more and the compelling stories that they told, it was so obvious that this bill had to go. And I can't see why anyone would oppose this bill. Thank you."

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

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2778 HD2 SD2 CD1, Relating To Language Access.

"One of the things that make our island such a unique place is its diversity of people, cultures, and languages. According to the American Cancer Society, 17% of Hawaii's residents is foreign born and 27% speak a language other than English at home. This becomes problematic when these people have a limited proficiency in English. The purpose of this bill is to help the many citizens of Hawaii who are unable to access information or participate in government due to their limited knowledge of the English language.

"Imagine for a moment that you live in a foreign country where you don't know the native language. You become lost, hurt, or have some kind of emergency. Imagine even, that you are just trying to find enroll in a health plan, vote, or pay your taxes, but you can't communicate your needs with anyone. This is what life is like every day for thousands of people on our island.

"According to testimony of Attorney General Mark Bennett, this measure puts the state of Hawaii in compliance with President Bill Clinton's Presidential Executive Order 13166, dated August 11, 2000, which requires federal agencies to develop and implement a

system of enabling limited English proficiency persons to meaningfully access public services. In turn, federal agencies, through specifically tailored guidance for state administration of programs relating to federal financial assistance, must ensure that recipient states provide meaningful access to population of persons with limited English proficiency. States are required to "take reasonable steps to ensure reasonable access to their programs and activities by limited English proficiency persons."

"While federal Executive Order No. 13166 affirmed that Title VI of the Civil Rights Act of 1964 required federally funded programs to provide language-accessible services, many departments and state agencies are not in compliance with Presidential Executive Order 13166.

"This bill is necessary for our diverse population to be able to participate in our society. It is their right as American citizens to have access to the same and equal services as everyone else.

"Last, if we might record a small but important measure of a man's work in this Body, let me proclaim my personal regard to Representative Jun Abinsay for his insight and leadership in this bill's passage. Representative Abinsay's good work will bear fruit not only from his work as Chair of Agriculture, but for his passion for equal rights among Americans who speak a language other than English at home.

"For these reasons, I ask my colleagues to vote in support of House Bill 2778 HD2 SD2 CD1."

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

"Mr. Speaker, in strong support. When my family immigrated from the Philippines in the 1920s, they had a lot of difficulty in learning the English language, but they worked really hard to do so because they wanted so much to become American. But it was just in the beginning phases of when they first came here like so many of the immigrants that are coming here now that they need so much more help than we've been giving them now. Thank you."

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

"Thank you. In strong support. As a former teacher of English as a Second Language, I support this measure and I would like to add additional written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support.

"This measure offers an opportunity to rectify the lack of access to public services currently experienced by immigrants, assist service providers in fulfilling their occupational and legal responsibilities, and generally provide an exemplary statewide program that will insure ongoing necessary services for the resident of Hawaii.

"Current census data shows that 17% of Hawaii's residents are foreign born and 27% of Hawaii's residents speak a language other than English at home. The lack of access to translators can create unnecessary suffering and even life-threatening situations such as those involving hospital emergency care, criminal activity, or natural disasters. Language barriers remain a critical factor for limited English-speaking communities to access public health and medical services. Language access is essential to the patients' bill of rights.

"I believe providing institutional support, as outlined in H.B. 2778, will foster a climate to safeguard language access measures in management practices for government agencies and their staff. Timely and effective communication will also lead to greater knowledge and competency to navigate and properly utilize government services for persons with limited English proficiency. It

is a win-win proposition for Filipinos who comprise the largest percentage of the service industry work force, and contribute more in taxes, than they use in government services."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2778, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 202-06 and H.B. No. 2595, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2595, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support. Family visits are an important aspect of the rehabilitation process. It is beneficial for inmates to have direct contact with their love ones. Although our Conference Committee had to eliminate the appropriations for non-contact visitation, I am very pleased with this bill. It is a step in the right direction and I hope that the Department of Public Safety and the State's correctional system will continue to improve. Finally, I'd like to thank the Public Safety Chair for his help on this bill. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 203-06 and H.B. No. 1865, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1865, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1865, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 204-06 and H.B. No. 1866, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1866, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 205-06 and H.B. No. 2692, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2692, HD 1, SD 1, CD 1 pass Final 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 would like to ask this legislative Chamber to go back to one of the very first times I stood and held this microphone in my hand where I said these magic words: Watch out for the impact of Chapter 104 on the things that we need to do for the people of Hawaii. What we need to do for the people of Hawaii to put roofs over their heads. We need to fix our agriculture infrastructure. We need to fix our roadways, our City, our county governments. We need to work with contractors to fix their roads for access.

"This is Chapter 104. This particular measure is going to take us probably down a long road of education. Not just this Session. I tried, but it's not a matter of trying to educate us. I think it's a matter of raising the bar of understanding of what Chapter 104 does.

"I handed out different studies from California and from other states. It's been quite tragic what's happened to affordable housing and access to developers and contractors in many states because of the implication of Chapter 104 on SPRBs.

"This particular measure, because Chapter 104 is so full of contradictory language, this particular measure is attempting to see if we can't find some way to stealthily find a way to make the Department of Labor a governmental agency when in fact they're not. What this is going to do is create extreme expense for all contractors who want to step forward to do work for the people of Hawaii.

"No matter how much I say no, no, no, I know this measure is going to pass because we do not quite understand it. But I am looking forward to keep this bar of discussion at the forefront because we are not going to be able to accomplish the things that we need to do for our people as long as we allow the other side of this Chamber, the labor, to pass these types of measures that are not well thought through. Thank you."

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

"Thank you, Mr. Speaker. In opposition. I'll try not to mention Chapter 104 too much. This measure places an enormous administrative burden on the Department of Labor and Industrial Relations because the Department will be the responsible agency for ensuring compliance of the State's prevailing wage law for all, and I repeat, all public works projects that are not implemented by a governmental contracting agency.

"Mr. Speaker, if you listen to that, that means private businesses and that means private contractors. Currently, there is no agency that oversees special revenue bonds, SPRBs, in considering the nature of the project it will be only natural according to this bill for DLIR to be the contracting agency. But given its available resources and staff the Department will not be able to absorb the additional administrative tasks without additional funding and personnel, which this bill, of course, fails to provide.

"But the bill really impacts the private sector. It increases the administrative task and the administrative costs making it even more difficult and expensive to carry out these public service projects. Mr. Speaker, we keep talking during the Session about affordable housing. We keep talking about some public housing. All these projects require people with hammers and nails, to build things. Now the Department of Labor has mechanisms in place to count the prevailing wage violations per investigation. This measure will

change the per project count for the Department, which also impairs the Department in the amount of work they need to have done.

"Again, why should we add enormous tasks to a Department without supporting it with appropriate resources? And each time I talk about the Department, I'm trying to assure that we're not burdening the Department down so much that they cannot administer the bill and that will bog down all the private business that is going on out there.

"Lastly, the additional oversight by a governmental agency like DLIR will discourage small contractors from bidding on governmental construction projects or using SPRBs because the increased oversight burden would place them at a distinct disadvantage due to the increased overhead cost and loss of flexibility for business. The small contractors will be at a tremendous disadvantage when compared to a large contractor bidding on a project. So we're driving the competition away. That in itself raises prices."

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

"Mr. Speaker, in support. I want to bring some clarity to what we're talking about here, Mr. Speaker. We have an opinion that I've quoted before, dated September 8th of 2003 to former Senator Kawamoto from the Attorney General's Office answering the question of whether prevailing wages apply to SPRBs. The answer in summary is, 'Yes, no doubt about it.'

"Then in April 13 of 2005 the question was again asked by the Vice Chair of Labor, who sits to my left and again the Attorney General's Office responds, 'Yes, it applies not only SPRBs, but to any project where funds and resources are derived either directly or indirectly from public revenues of the State or any county.'

"Given that, the Director of Labor this past summer, Mr. Speaker, formed a working group, of which I participated, and there was much discussion about what do we do about the fact that there are these opinions and it looks like the law applies. How do we make it work more effectively? And many suggestions were given by contractors, both union and nonunion, and by labor groups. There are a number of prevailing wage bills that came out of that meeting. Five to be exact. One has already been vetoed by the Governor.

"This is one of those bills. It tries to address the problem that we have. We have two opinions from the Attorney who is going to be writing by the way shortly about all these other bills and why they should be vetoed, and this Attorney General has said it applies. So now we're trying to make it clear and show how it does apply and that's what this bill does, Mr. Speaker.

"It's interesting to hear people mention, tonight and previous debates on this bill that somehow it's going to impact low cost housing. Mr. Speaker, I hold page after page after page of units that were built under Davis-Bacon going back to the 1950s for public housing. Low income housing built in this State under prevailing wages both Davis-Bacon when it's federal money, and Little Davis-Bacon when it's Hawaii money.

"These projects went forward, they were built, people are living in them, and they're benefiting from the work. And the people who worked on these projects were paid a prevailing wage. So perhaps they didn't have to live in this housing. So that they were paid a fair wage. So that they go on and buy a home themselves or pay the rent, feed their families. That's what we're talking about here tonight.

"So when I hear about these 'boogeymen' and somehow this is going to harm, and hurt, and what if, and in the future, these are the facts. If people want I can sit here and spend the next hour reading each of the projects. There's one on every island. That's what we're talking about. Thank you very much, Mr. Speaker."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal. First of all, I think we need to be very clear that Chapter 104 is not about just prevailing wage and the blood, sweat, and tears of our workers. Prevailing wage is only part of Chapter 104. Chapter 104 deals with public works. What I'm talking about and I think what is missing and what has been discussed in the same interim meetings that I attended is this is public works and it's an additional administrative burden. Administrative burden. It is not about taking the blood off the sweat of our workers. It's about administrative burden. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the measure. We have heard if an item about this decision by the Attorney General. The question is does this work have a public purpose? SPRBs do have a public purpose. I mean that's why they qualify for SPRBs. You have to. In Laie, the largest property owner out there, privately funded and built a sewer system, and they wanted to expand it. They were able to get special purpose revenue bonds because that sewer system served a public purpose. It was very vital to many, many people out in Laie.

"A few years ago we had a constitutional amendment, which expanded public purpose. We here in the Legislature determined that private schools served a public purpose. If all the kids that are in private schools and parochial schools suddenly shut down, we would have to build a lot of new schools, so we could expand that to schools.

"But besides having a public purpose to be public works, the other thing that's in the existing law is that there had to be a governmental contracting agency. Not just by itself, a public purpose, but the governmental contracting agency. Well, obviously, when Hanahauoli goes out for a SPRB, they're not a governmental contracting agency. And so I believe that that opinion should be challenged. I think that some in this Body are hanging their hats on that in a big way and I'd like to see some other lawyers weigh in on this because I think this is not an appropriate direction to move in. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Final Reading by a vote of 39 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 206-06 and H.B. No. 2153, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2153, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in strong support of Conference Committee Report 206. West Maui is finally going to get urgent care service. No longer will West Maui residents be forced with the only option of driving 25 to 30 miles to Maui Memorial Medical Center and waiting long hours in the emergency room.

"As a person with a history of medical conditions, I am very thankful to everyone that helped to see this measure pass. Mahalo to Health Chair Arakaki, you Mr. Speaker, Representatives Magaoay and Nakasone. Thank you very much."

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

"Mr. Speaker, standing in strong support. Mr. Speaker, this Body spent a lot of energy and time this year making emergency medical services an important factor and this bill does that again, giving \$300,000 to West Maui. Mr. Speaker, this is a proud time where we can say that our money is being well spent to save lives. Thank you."

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

"Mr. Speaker, I wish to speak in favor of this measure. And Mr. Speaker and Members, I want to congratulate the Representative, the author of this bill. I believe there have been many Representatives who represented the Lahaina area including myself, but he is the only one that was able to get this outpatient service. So congratulations for a job well done and for the Members who helped out, the Chairman of Health and etc. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2153, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 207-06 and H.B. No. 3116, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3116, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support of House Bill 3116. Mr. Speaker, this is a great day. Actually now, it's a great night for keiki of the State of Hawaii. With this legislation, Mr. Speaker and colleagues, we will have invested in the future of Hawaii by ensuring every child growing up and living in Hawaii access to quality, affordable healthcare. And Mr. Speaker, it is all made possible through the collaborative efforts of the Legislature, the Executive, the federal government and the private sector providers and health insurance plans, in particular, Hawaii Medical Service Association.

"In 1997, Congress enacted in Title 21 of the Social Security Act and the Federal Balance Budget Act, the Children's Health Insurance Program or CHIP, which provided states with an important opportunity to expand healthcare coverage to low income children who are uninsured. And since then, Mr. Speaker, your Chair of Health and also as the Co-Chair of the Keiki Caucus, it's been a long dream and vision to provide quality healthcare for all Hawaii's children and this bill will finally bring that vision to reality.

"When assessing our population of uninsured children, we found that the greatest number of uninsured children were those who are now disqualified because they are immigrants who arrived after Welfare Reform Act of 1996 and those who are now specifically barred by Congress such as those from the Trust territories. Unlike other states, with this bill, we will cover all children regardless of the country of origin.

"And this is not a single payer bill. Healthcare services will be delivered through regular Medicaid and QUEST provider networks. An important component to the success of the Children Health

Insurances Program will be the outreach and coordination efforts working with and through existing public, as well as private sector healthcare and social service network resources on a statewide basis.

"And colleagues, I hope you'll get the word out that all children will be covered, and all children should have health insurance. I believe that two essential policies we can adopt for the children of Hawaii is to assure that every child has access to quality, affordable, early childhood education; and to assure that every child is healthy, ready to learn, and succeed in school. Quality education and good health, we all know by now go hand in hand. For our future, a strong mind and a strong body is essential to a productive workforce. When it comes to healthcare for children, we cannot put it off for the future. They are the future so we need to do it now.

"I want to thank the Majority Leader, my Vice Chair, and my Senate counterpart on this measure, Senator Suzanne Chun Oakland, for helping to shepherd this bill. And once again, and perhaps for the last time, I will close with this quote from Gabriela Mistral, a Noble Prize winning poet from Chile and she says, and I quote: 'We are guilty of many errors, and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things that we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him we cannot answer 'Tomorrow.' His name is 'Today.'"

"House Bill 3116 makes the State of Hawaii one of the first in the country to provide universal coverage for healthcare for all the children of Hawaii and I urge all my colleagues to support the bill. Thank you, Mr. Speaker."

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

"Just in strong support and I want to thank the Representative from Kalihi for fighting so hard for the children. Thank you."

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

"Thank you, Mr. Speaker. In support, but I do have a little bit of reservations that I would like to share. And I do want to thank the Chair of Health. But however, the reservation that I do have with this happens to be from a conversation that was had between Kookie Moon-Ng, who is from the section where this will take place, DHS's head of that section.

"The concern that I have is that we received a call from UPW, one of the representatives of UPW and the conversation went like this. Basically it was, I heard that there's going to be this children healthcare program. Does that mean that it's free insurance for children? And the intent was to find out if they could move the children's coverage from UPW onto this new program. And the one thing that is in this bill is a six-month provision that says they cannot be insured because it's a crowd out provision in this particular bill.

"And the reason why I mention, usually I wouldn't mention information like this because it is third party information. However, I do want to mention it because I want to discourage any type of activity like that. That this is not the intent of the bill. The intent of the bill is not to get insurance paid by the State when there are other measures to insure a child. So that is my reservations, Mr. Speaker, and I do commend the Chair of the House for this particular measure."

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

"Thank you, Mr. Speaker. In support. Very briefly, just I'd like to ask that I have my Chair of Health's words incorporated as my own. And one last thing, when you go back to your districts, colleagues, specifically this is what to tell people. If a child is uninsured, and

they're not in one of the QUEST plans or don't qualify for the QUEST plans, ask for Keiki Care. It's that simple. It won't be complicated anymore. When they go to their doctors they'll be able to enter the Keiki Care Plan so they'll have those two options. If the families are slightly poor and they qualify for Medicaid, they will be entered into that plan. They'll get the insurance that way. Otherwise there will be no questions asked and they'll be able to enter the Keiki Care Plan. So it's really that straightforward. Every child will be insured. Thanks for reaching out to your people."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 9:15 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2778, HD 2, SD 2, CD 1
 H.B. No. 2595, HD 1, SD 2, CD 1
 H.B. No. 1865, HD 1, SD 2, CD 1
 H.B. No. 1866, HD 1, SD 2, CD 1
 H.B. No. 2692, HD 1, SD 1, CD 1
 H.B. No. 2153, HD 2, SD 2, CD 1
 H.B. No. 3116, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 208-06 and H.B. No. 3056, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3056, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

Representative Chong's written remarks are as follows:

"Mr. Speaker I rise in strong support of HB 3056, HD2, SD2, CD1. For decades community organizations have worked hard to preserve and restore Kawai Nui Marsh as a nature preserve, and cultural and educational resource. However, such efforts have been hindered for nearly 15 years because of ownership and management discrepancies between the State and the City. I believe this bill presents a satisfactory solution to a long-standing problem by clarifying ownership issues and maintenance responsibilities of the flood zones, as mandated by Act 314.

"HB 3056, CD1 requires the City and County of Honolulu to transfer to the State specific parcels of Kawai Nui Marsh effective July 1, 2007. It also appropriates funds for the City and County of Honolulu to maintain the levee and \$40,000 to the community for ecological and cultural programs.

"The Marsh, encompassing approximately 830 acres of land in Kailua, Oahu, is one of the State's largest remaining wetland. It has been identified by the U.S. Fish and Wildlife Service as a primary habitat for endemic and endangered native Hawaiian birds. Last year, the Ramsar Convention on Wetlands designated the Marsh a wetland of international importance. Recognizing its ecological value, the federal government has appropriated funds for bird habitat restoration under the condition that the Marsh's ownership be clarified. Any further delay in the transfer of marshlands would jeopardize these funds, as well as the Marsh's native wildlife population.

"I ask that my colleagues support this measure that ensures the preservation and restoration of Kawai Nui Marsh for future

generations. Thank you."

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

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 3056. Kawai Nui means 'the big water' in Hawaiian, and at over 800 acres it is the largest wetland in the Hawaiian Islands. My prior staff member, Christina Hoe and I worked with Muriel Seto and others to nominate Kawai Nui Marsh as a Ramsar wetlands site of international significance. We succeeded in obtaining this highest international designation.

"Now, HB 3056 initiates the much needed land transfer of Kawai Nui Marsh from the City and County of Honolulu to the State. The model airplane field and levee system remain under City jurisdiction. This measure puts to rest the 15-year unresolved dilemma between the State and City on the flood control responsibility.

"Clearly expressed in the Territorial Legislature 1949 Session, Joint Resolution 3 – the City was authorized to construct the flood control levee and maintain and operate all flood control works after completion of the project. This bill continues this responsibility for the City. The State is not required to maintain any flood control program relating to the Marsh.

"With the jurisdiction issue settled, the Army Corps of Engineers can proceed with their \$5 million project to dredge the thickening sediment in the Marsh. This will increase the habitat area for the indigenous wetland birds.

"The restoration project will:

Increase water capacity in the Marsh and prevent flooding in the Coconut Grove and Oneawa Canal;

Restore the native wetland bird habitat; and

Continue the efforts to build an interpretive education center for children, families and future generations to have a special place to go to learn about wetlands ecosystems and ancient Hawaiian practices.

"I am proud of this measure and look forward to seeing the full restoration of Kawai Nui Marsh in the near future. Mr. Speaker, thank you for the opportunity to rise in support of this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3056, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 209-06 and H.B. No. 2109, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 210-06 and H.B. No. 1867, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1867, HD 1, SD 2, CD 1 pass Final

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 bill allows uninterrupted medical care to an injured employee even if the injured employee's employer denies further treatment until the Director of Labor and Industrial Relations renders a final decision on the matter. So what happens?

"Currently, medical insurance is able to recover the cost in case a medical service is not approved. Under the bill there is no provision to recover losses if the Director renders a final decision that denies this treatment. Doctors will take on the expense, I suppose. Throughout the entire process the employee still has medical insurance provided by the employer. Now I understand why this bill is written, or at least I think I do because in the past, decisions would take up to eight months to render. But under the current Administration, decision making has been cut by more than during an average of three months.

"Mr. Speaker, I support the entire providing medical coverage to injured workers, but I'm concerned about the consequences of expenses of unpaid medical treatment if the claim is denied. Are we going to find that doctors refuse to take these employees? I'm not sure. Thank you."

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

"Thank you, Mr. Speaker. I'll be voting no on this measure. One of the biggest problems we have in the workers' comp system right now is the lack of adequate care. Workers are being turned away from the doors of hospitals, and are being turned away from the doors of providers.

"What this measure will do is force the providers to carry the paper. And what does paper mean? That means they have to carry payment on their books. For maybe up to six to eight months until a third-party provider can be found. Right now, in the Prepaid Healthcare Act there is a rule that says if a worker is injured, the prepaid healthcare shall immediately provide coverage. But we find that physicians are not being paid under the prepaid or the healthcare provisions. What they have to do is sit back and wait and wait and wait.

"And you have to remember that physicians, hospitals, massage therapist, chiropractors, you name it, they are all businesspeople. They have payrolls to pay. They have rents to pay. They have workers' comp insurance premiums to pay. But they can't pay it, if they don't get paid. And what this bill is trying to do is to get them to carry the paper until another provider can be found.

"We are damaging the system further by denying prompt, quick healthcare to our workers. This is what keeps them from becoming well. The longer they're not attended to, the longer they will be out of work. This does not make sense. Thank you."

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

"Thank you, Mr. Speaker. In support with just some reservations. My reservations are similar to the ones I noted on Conference Committee Report 198-06. Thank you."

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

"Mr. Speaker, brief comments in support. Just to clarify a misstatement made by the Representative from Makakilo. I'd like point everyone to page 4 of the bill, starting with line 17 and I'll read, 'The employer or the employer's insurer may recover from the

claimant's personal healthcare provider or other appropriate occupation or non-occupational insurer all sums paid for medical services from that treatment plan rendered after the date designated by the director.'

"In other words there is reimbursement. It was misstatement to say there is no reimbursement. The Committee on Labor worked long and hard to find a way to make sure that there wasn't someone 'holding the bag.'

"But more importantly, Mr. Speaker, what this bill is all about is if you're an injured worker getting medical treatment and your employer or your insurer decides on their own, they're not physicians, they're not healthcare providers, disputes that you shouldn't be getting more treatment, treatment is stopped. So you're not getting better. And then you sit and wait and wait and wait and wait until the Director decides otherwise. If the Director decides you should have gotten treatment, you start to get treatment again, but your injury could be exasperated.

"That's a basic fairness issue, Mr. Speaker, that we're trying to address here. And so what we're saying is a non-healthcare provider doesn't have that right and we hope that the Director does render a decision more quickly. And if they find that the treatment should have been provided during that dispute, then they go to the third party provider which they'd be covered for by anyway, or by QUEST. So I think this is a good attempt to try to be fair to all parties. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, in strong support. Mr. Speaker, what I'm hearing from opponents to this measure is that we don't want to risk harm to employers and doctors. And Mr. Speaker, I would say if you're asking a question whether you want to risk harming an employer or a doctor or an injured worker, I think the answer is clear. You have to side with the injured worker.

"This bill mirrors what we have already in our welfare system. If you're cut off of welfare and you request an appeal, you have the right to continued benefits, while that appeal is pending and then of course if you lose, then it's an overpayment. And, I think that, Mr. Speaker, is the only fair way to go.

"I heard the Representative from Kapolei saying that, although decisions used to take eight months in workers' comp, they've cut that in half. So we're still taking about four months of waiting. For someone that's injured that needs critical medical care, I think to deny that person care on the question like the former speaker said, that a non-doctor felt they weren't disabled is unacceptable. And so I think this is a critical measure that we should all support. Thank you."

Representative Harbin rose to respond, stating:

"Thank you Mr. Speaker, as just as a further statement and as a rebuttal to the Representative from Manoa, we would probably not be having discussion if we had our medical algorithms in place. Thank you."

Representative Moses rose to respond, stating:

"Just a clarification, Mr. Speaker, though still with reservations. No opposition, just reservations pointing out what I think are some difficult areas with the measure. The claim process now is down to three months and I hope it goes a lot lower. However, if we keep passing bills out like we talked about tonight and keep piling things on to the DLIR Department, we have a lot of problems and it's going to increase the time that it takes. Thank you."

Representative Meyer 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, stating:

"Thank you, real briefly. I'm in support. It's a matter of policy in this State that we provide, that employers provide healthcare for employees 24/7 and in prospective. So if they're hurt at work, their coverage is through workers' comp, and if they're hurt outside of work, then it's a prepaid health plan.

"It's not, in terms of our overall policy, we're not looking for gaps in service. And if there's a point, which apparently is happening now that a worker just does not have healthcare that needs resolution.

"The sooner that the DLIR can resolve any question about whether it's a workers' comp issue or a prepaid healthcare issue, the better. And frankly, I don't see how it increases the workload. They have to adjudicate as many cases and I don't see why the workload goes up. Just what's being asked for is that it be done more timely. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1867, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Harbin voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 212-06 and S.B. No. 2630, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2630, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 213-06 and S.B. No. 3009, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3009, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Stevens voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 214-06 and S.B. No. 3101, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3101, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand in strong support of this. Thank you. I completely understand the enthusiasm and joy of the Chair of Housing when he spoke about the Housing Omnibus Bill, and the gratitude and appreciation of the Chair of Health in speaking about the Children's Health Care Fund Program. I too feel at this moment, this is the bill to celebrate. And we still have a few more pages of bills to go and I was hoping that we just take a moment to pause because this particular bill was a labor of love from both the House and the Senate side. It exemplifies the growing unity within the early learning community, the forthcoming collaboration and coherence of

Executive departments regarding sustainable funding and services, and the beginning of a comprehensive, integrated system of early learning for all children in Hawaii.

"This bill recognizes the power of public-private partnerships, the significance and impact of parent education programs, existing services, sensibility of planning coherently. And more importantly, if you'll allow me the metaphor, this legislation is vaccine for high achievement in schools and success in life. The antidote for poverty, welfare, prisons, and war. All the things we've been talking about today. They are vitamins for self-sufficiency and for sustainability of our democracy. And in the words of John Lennon, 'A dream dreamed alone is only a dream. A dream we dream together is reality,' and this legislation is where idealism meets reality. Thank you."

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

"Mr. Speaker, in strong support. I'd like to have the words of the Vice Chair of Education adopted as my own, and just say kudos and accolades to the Vice Chair of Education for continuing to pursue a vision of universal access to quality, early childhood education. Thank you."

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

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in support of SB3101, SD2, HD2, CD1. This measure will aid early childhood education in the State of Hawaii, by appropriating funds for an early learning taskforce that will deliver a plan for our pre-kindergarten students as well as fund kindergarten programs. It is extraordinarily important that we provide a strong educational base for our children. Providing funds for kindergarten and pre-kindergarten programs will strengthen our *keiki*, and assist them along their educational journey. 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 rise in support of S.B. 3101, which would build a comprehensive system of early childhood learning services by further developing and refining the recommendations of the temporary early childhood education taskforce. This measure would also establish and appropriate funds for an early learning educational taskforce and also build upon the existing framework and services for early childhood learning.

"S.B. 3101 outlines the steps that Hawaii needs to take in order to create a healthy and vibrant early learning system ensures that the care and education that a child receives, maximizes the child's ability to grow and learn and to ultimately thrive as a contributing member of our society."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3101, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 9:28 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 3056, HD 2, SD 2, CD 1
H.B. No. 2109, HD 1, SD 2, CD 1

H.B. No. 1867, HD 1, SD 2, CD 1
 S.B. No. 2630, SD 2, HD 1, CD 1
 S.B. No. 3009, SD 2, HD 2, CD 1
 S.B. No. 3101, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 215-06 and S.B. No. 2980, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2980, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 216-06 and S.B. No. 3197, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3197, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict of interest. My firm is representing the substitute teachers in a class action lawsuit, but I don't work on that," and the Chair ruled "no conflict."

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 very supportive of SB 3197 SD2 HD1. Substitute teaching is a difficult and often thankless job. Our substitute teachers take over for our full-time teachers at a moment's notice. They have to deal with children who do not respect them, who take advantage of their lack of knowledge about the class. They should not have to deal with being shortchanged by the DOE in their paychecks. I hope that this bill resolves the issues that have arisen in the past ten years, and that our substitute teachers will continue to get the compensation we have promised them for the difficult job they do. 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. 3197, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 217-06 and S.B. No. 3059, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3059, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro 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 Shimabukuro's written remarks are as follows:

"With Reservations. I would like to insert excerpts from an email I received from Margaret J Maaka, Associate Professor, UH-Manoa College of Education; and Chair, American Educational Research

Association Indigenous Peoples of the Pacific Special Interest Group:

SB 3059 requires the Department of Education to create a commission to establish, implement, and maintain a standardized statewide curriculum for each grade level, with adequate course content in order to meet the state performance standards for the No Child Left Behind Act of 2001.

The absence of the Native Hawaiian language and culture from Hawai'i public schools is already glaringly obvious despite the plethora of research indicating that children best learn when they are able to relate new learning to familiar experiences. This absence prevents Native Hawaiian children from gaining the personal and cultural identity necessary for a sense of positioning in time and space. In short, this denies their legitimacy as a people. It should not be surprising, then, that so many Native Hawaiian children find little purpose and meaning in school.

Since the Bush administration and others of that ilk are so keen on "scientifically-based research", I offer up the following—we know that schooling that is designed to assimilate Indigenous children into the dominant culture through the dominant language (English) does not work. We have a two hundred year longitudinal study to attest to this!! Like all colonized Indigenous children throughout the Pacific, Native Hawaiian children have rates of school absenteeism and referral for special education services that are far above average. Native Hawaiian teenagers are more likely to drop out of high school without qualifications and have the highest incidence of suicide. Native Hawaiians are overrepresented in prisons, have the poorest health records, and are underrepresented as students and faculty in higher education. Thus, it appears that upward mobility through learning the English language and culture (at the expense of learning the Hawaiian language and culture) is a myth for the Native Hawaiian people.

"I end with a statement from the National Organizing Committee of the World Indigenous Peoples' Conference in Education (1999): "We, the Indigenous peoples of the world, assert our inherent right to self-determination in all matters. Self-determination is about making informed choices and decisions and creating appropriate structures for the transmission of culture, knowledge and wisdom for the benefit of each of our respective cultures. Education for our communities and each individual is central to the preservation of our cultures and for the development of the skills and expertise we need in order to be a vital part of the twenty-first century."

"The first step, then, in the reinvention of Indigenous schooling is the development a pedagogy of hope that emerges from and affirms the cultural experiences of the Hawaiian people. Defending this at all cost is the second step."

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 218-06 and S.B. No. 3195, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3195, SD 2, HD 2, CD 1 pass Final 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. 3195, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker

being excused.

Conf. Com. Rep. No. 219-06 and S.B. No. 3273, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3273, SD 2, HD 2, CD 1 pass Final 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 stand in strong support of SB 3273 CD1, or any bill, really that seeks to resolve the problems our State has with substance abuse by our youngsters. I am hopeful that by helping the young people who get involved with these destructive habits, we will make real progress towards eradicating these destructive influences from our society. 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. 3273, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 220-06 and S.B. No. 2076, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2076, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Thielen voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 221-06 and S.B. No. 2190, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2190, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm going to vote no on Conference Committee Report 221, Relating to Employment Security. This started out as a pro-business bill and we thought we might be able to help all businesses that have workers, but unfortunately it turned into a 'monster' and the business community had to come back and say, 'We've got to kill our own bill.' And it's a very sad commentary on the situation here in the Legislature. We're passing bill after bill that will help workers, which is fine, but we need a little balance also and would like to pass out some legislation that could be called pro-business. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Thank you. As the previous speaker said, this bill provides temporary tax relief for two years to employers by lowering the maximum taxable wage base for calendar years 2007 and '08. That is part of what the businesses wanted. Of course they wanted for a lot longer than that. The temporary tax relief that allows businesses to use the savings to pay more competitive wages, expand their employee base, or invest in

capital for business expenses by enabling businesses to have better resources to improve their resources and funds, we will essentially be improving our economy because there's a creation of better paying jobs and business opportunities for the State. And I am in support of that as are our businesses.

"However, another component of the bill permanently increases the amount of unemployment benefits that an unemployed worker can receive, as well as the duration of receiving them. Mr. Speaker, aren't we trying to get workers back into the workplace? That is why we are passing legislation that calls for things like vocational training and construction academies. Increasing unemployment benefits does nothing to provide incentives to return to the workplace.

"Finally, Mr. Speaker, this bill also allows for the possibility for wrongdoers to collect unemployment benefits since it allows all unemployed workers to collect benefits except for those that were terminated because of willful and wanton conduct. And since we have many lawyers in this Chamber right now, they can explain to you that that is a very, very high legal standard to meet. So although this bill temporarily strengthens the business opportunities across the State, the permanent damage done by other parts of the bill represent what appears to be a deliberate poison pill for businesses and I must vote no."

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

"Mr. Speaker, rise in support. Mr. Speaker, I'd like us to step back just a minute to consider a real issue that we're considering here tonight. And Mr. Speaker, that is the unemployment compensation system of our country and our State. And before I became Chair of Labor, I didn't really know much about unemployment insurance. But I've learned that due to the massive unemployment problem from the Great Depression, President Roosevelt back in 1935 enacted the Social Security Act, which we all benefit from. But part of that dealt with unemployment insurance. It was first created by the Social Security Act. And it was a collaborative state-federal effort, Mr. Speaker.

"And it was at that time and it still remains the major public program for the alleviation of consequences of unemployment. It remains a federal-state partnership. Mr. Speaker, the primary objective of this program, known as the unemployment insurance system, is to supply a form of income maintenance through temporary and partial wage replacement for workers and involuntary unemployed. A noble cause that we all support. The objective is accomplished through a cash benefit program that is distinct from relief or welfare programs and is not means tested. In other words, it's payable as a matter of a right to workers who have enough qualifying wages and work experience.

"The beauty of this system, Mr. Speaker, is it is designed to automatically help stabilize the economy during periods of recession and depression by enabling workers to maintain some fraction of their previous consumption expenditures. Mr. Speaker, what is really brilliant about this system is that it also serves the interest of businesses by helping maintain the circulation of money during periods of national or local downturns because people who are laid off, continue to receive a wage. They can use that money to pay their rent, to buy food and so forth. So it helps the overall economy and we don't end up in the cyclical depression mode that we found in the 1930s.

"The other thing is it actually enables businesses in a downturn to retain a trained workforce so that when the economy turns around, they have people who are being paid unemployment that can come back to the workforce.

"So, Mr. Speaker, this really works for both employers and employees. And we're not talking here about stereotypical welfare moms, Mr. Speaker. We're talking about productive members of our society that are forced to transition between jobs and sometimes

between industries. We're seeing that right now in Kunia and we're seeing that at the Naniloa Hotel on the Big Island.

"Mr. Speaker, it's interesting the 12th Legislature for the territory of Hawaii 1939, implemented the unemployment insurance compensation system for Hawaii. At that time, Mr. Speaker, the Speaker of the House was a gentleman named Roy Vitousek. There's a Roy Vitousek, who's practicing law over on the Big Island. He must be of some relation. And much like the process we're going through today, Mr. Speaker, this Body back then in 1939, struggled with business. I went and read the Committee Reports and the entries into the Journal on the debate and they really debated trying to address the interest of business while leaving undisturbed the principal purpose of the federal unemployment compensation system and they accomplished the goal.

"So Mr. Speaker, that systems been in place ever since. It's interesting to point out that in 1976, remember when we had the oil embargo and we first woke up to the problems of our oil crisis, the unemployment rate in State rose to 7 percent and our trust fund was almost depleted or it was and we had to borrow \$22.5 million from the federal government to replenish it. As a result, in 1977 this Legislature enacted a flat tax of 3.5 percent on all employers to boost the solvency of the trust and by 1998 it was fully funded.

"It was significant, while I want to mention these dates is, Mr. Speaker, in 1988 the Unemployment Insurance Trust Fund was so healthy that for the first time they gave a tax holiday. Something we're talking about here today. Saving businesses in that year \$40 million.

"Now it happened again, Mr. Speaker, in 1991, we had the Gulf War and we all remember the Japanese 'bubble' burst, the Japanese tourists stopped coming to our State. There was an economic downturn. To help businesses this Legislature, Mr. Speaker, of which you were then a part of, provided a tax holiday again for the second time and this time it was another \$40 million savings for business.

"Then in 1992, so in the second consecutive year, they even took a bolder step. They provided an additional one-year holiday that resulted in a savings of \$50 million. So a total of ..."

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

Representative Caldwell continued, stating:

"Thank you very much, Representative. Resulted in a \$90 million savings over a two year period, but it did something else. It enhanced benefits, Mr. Speaker. What it did is it increased the maximum weekly benefit for wages from 66 and 2/3% to 70% and it also increased the earnings disregard from \$2 to \$50 to create greater incentive for claimants who want to work part time.

"So they provided a tax holiday and they increased benefits. They did that also, Mr. Speaker, in 1988 with the enhanced benefits. So there's precedent for what we're talking about that we're going to be doing here today and hopefully passing.

"Most importantly, Mr. Speaker, this Body developed a schedule that we live under today. This A, B, C, D, E, F, G schedule that basically is self-adjusting depending on the rate of unemployment and the health of our economy so this Legislature doesn't have to come back every year and tweak it. And that still works to this day. And as a result, in fact right now we're currently at a C level and we'll be dropping to a B level because of the strong health of our economy and the low unemployment.

"And Mr. Speaker, for the fourth time in 2001, many of the members here were present, we had 9/11, huge economic downturn, and the Legislature came back and guess what, Mr. Speaker? They gave another tax holiday. They held a schedule to C, which resulted

in a savings of approximately \$40 million for businesses.

"So we've done this four times, and on two occasion in those four times we've enhanced benefits. So again there's precedent for what we're talking about. Now today we have another robust economy and this trust fund, Mr. Speaker, is funded almost to the tune of a half a billion dollars. Half a billion dollars.

"The Administration this year asked for a three year tax holiday and the House Labor Committee under the guidance of the Representative from Kahului our Vice Chair of the House Labor Committee recommended a two-year holiday and this Committee moved out the two-year holiday. How it would work is that right now every employer is taxed at \$34,000 per employee. It would be reduced at \$7,000. This bill has that, Mr. Speaker. And now what we're talking about through compromise we've agreed to a two year holiday.

"Mr. Speaker, that will result in a tax savings for Hawaii's employers of somewhere between a \$150 and \$165 million. This is not insignificant. This is an incredible tax savings for Hawaii's businesses. Greater than any other tax relief we're providing. So for someone to get up and say that business isn't benefiting, they are getting an incredible benefit. And I question whether they'll go to the Governor and say veto this bill because of some of the enhancement provisions that are in there, but we'll find out.

"There's no comparison in Hawaii's history in terms of this type of savings. And you have to remember now that benefits have been enhanced for the first time in 14 years. The last time was in 1992 and what we do here, Mr. Speaker, is we increased the maximum weekly benefits from 70% of your wages to 80%.

"Number 2, just step back for a minute in terms of the increase, Mr. Speaker. 70% of your wages, the maximum you'll get right now in weekly unemployment is \$457.80. If we increase it to 80, which I hope we do, it'll go up \$523.30. So there's small increase. The people who will be impacted by this increase is just that small margin. Everyone else remains unaffected. They benefit from the cap being increased. So the impact is not all that dramatic.

"Secondly, Mr. Speaker, what we do is we increase the benefits from 26 to 30 weeks. Right now its average is 14 weeks and we don't anticipate more than that being taken because of the strong economy. And then the earnings deduction for part-time work was increased from \$50 to \$150. Remember it used to be \$5 and it went up to \$50, and now \$150. Again this Body, under the House has voted on this measure in the past to encourage people to find part-time work as a first step back into full employment."

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

Representative Caldwell continued, stating:

"Thank you very much, Representative. I'm almost finished, Mr. Speaker. The last time issue is 'willful and wanton' that we heard talked about. Yes, there is a provision for willful and wanton. It comes from a recent Supreme Court decision in which the dissenting opinion was that employees who were discharged should receive unemployment insurance unless their actions were willful and wanton. In the previous bill that came out of this Body just mentioned willful and wanton without much definition.

"This bill defines it and in my mind, somewhat narrows the application. What it describes willful and wanton to be is, it consists of actions which are willful or wanton disregard of the employer's interest, includes deliberate or intentional violations or deliberate desire for established standards of behavior which indicate a wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, poor performance, isolated incidences, or good faith errors in judgment, Mr. Speaker, that all of us make from time to time, or discretion shall not constitute or willful or wanton conduct. So it

gives direction.

"Now, Mr. Speaker, people will ask what are the costs of these enhanced benefits. The Director of Labor and Industrial Relations answered that question and said it's going to be approximately \$15 to \$18 million in the years 2007 and 2008, in exchange for a \$150 to \$165 million in tax savings. So business needs to work that out and see if they think that's an acceptable provision for them.

"Mr. Speaker, just to reemphasize. You can ask how much is enough in terms of enhanced benefits. But if you look at the policy behind unemployment insurance that I've mentioned, it's really to alleviate the consequences of unemployment for Hawaii's workers. To help them pay their rent, feed their families, and take care of their children's health needs. It is also a way to stabilize our economy during economic downturns by enabling unemployed workers to receive some fraction of their previous consumption expenditures and invest it back into our economy. So Mr. Speaker, I hope that the members of this Body will look at this, see where the balance is. We struggled long and hard on this to try and find some balance. I think we achieved that and that hopefully the members of this Body will support this legislation. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'd like to speak in favor of this measure and express reservations. Mr. Speaker, a decidedly good part of this measure is returning taxes essentially returning an overtax to the employers. They've been overcharged. It's good that we give that back. This isn't a tax break, it's a tax rebate, but in any case it's good to give the money back. That's a good feature of this bill.

"In my view of mixed value is this increase in benefit. While admittedly, Mr. Speaker, the increased benefits are good for those few workers that do collect unemployment. The minority of workers that do collect unemployment, it's good for them and I certainly don't begrudge them that. But Mr. Speaker, the problem with the unemployment benefits increase is that it has a tendency to suppress the stated wage of all workers. The majority of whom will never collect unemployment insurance. And the way that works Mr. Speaker, is that employers in the long run are looking at what is the total compensation to employees. They're tracking total compensation as the bottomline. They're not tracking the cost of any particular insurance.

"So say, for example the employer knows that he can afford \$30 an hour for a particular class of employees. From that \$30 the employer starts backing down saying, well, I have to pay so much for unemployment insurance, so much to social security match, so much for health insurance, so much for workers' comp, etc. There's a long laundry list of those. And by the time he backs all those out the employer may be down to \$16 or \$17 an hour and calls that the stated wage. The employer knows he's going to be paying \$30 an hour. The employee's worth \$30 an hour, but the stated wage is say in this instance \$16 an hour.

"Well, if you raise any one of those benefit costs then that has a tendency to suppress the stated wage. So really who's picking up the \$15 million and \$18 million? In the short run you can say, 'Oh, the employers paying for it,' but in the long run all the employees are paying for it because they would get that in a higher stated wage had the amount of benefits paid out to unemployment were last. So this unemployment insurance policy really is in the long run paid by employees for those few employee that will actually collect and that I believe is a serious reservation regarding giving too much unemployment insurance.

"I do agree with unemployment insurance. The question is striking a balance. And it's a myth for us to promote that somehow we are benefiting all workers because we increased unemployment insurance. We are actually suppressing stated wages for all employees when we do that."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. It's just that these benefits, we're increasing them by 18% in one full swoop and this is permanent. When these things go up, on some very rare occasions that they will come down because it's like taking benefits from workers. It's just not going to happen. And the benefit that this bill will give to businesses is just temporary. It's two years. It's not like they're not paying any unemployment insurance, but they're paying on a lesser base on the first \$7,000 of each employee's wage.

"Hawaii has probably the highest wage base. Right now it's \$34,000. It's formulated on an average wage so as the economy grows that amount goes up. But at least 50% of the State's base for unemployment payments is on the first \$7,000. So what we're giving is a straight benefit, is what the rest so many of the others states pay. The employers in those states pay.

"The figure from the Director of Department of Labor estimating these 18% higher benefits, he said that, total benefits payout for 2006 with these higher benefits would increase from a projected \$84 million to \$99 million. So that would be \$15 million in one year more. And then if you look at the experience from 1995, if the rate on unemployment insurance was 3%, that would go up from \$230 million to \$271 million. So that's an additional \$41 million. So for businesses, they can see that working out that way, out in the future with these increase benefits, they're going to be paying anywhere from \$40 to \$60 million more than they are now. So thank you very much for this benefit now, when we're really going to get socked down the road.

"So this is not a good bill. This is a compromise, but it's one of these horrible compromises where you get something in one hand and you get a knife in your back in the other, and it's just impossible to support. Thank you, Mr. Speaker."

Representative Harbin rose, stating:

"Mr. Speaker, I rise to move that we recommit this measure back to Labor. If not, Economic Development."

At 9:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:54 o'clock p.m.

At this time, Representative Harbin moved that the report of the Committee and S.B. No. 2260, SD 1, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Meyer.

The motion was put to vote by the Chair and failed to carry. (Representatives Abinsay and Stonebraker were excused.)

Representative Meyer then called for a division of the House.

The Chair then stated:

"At this point, I believe the Chair's ruling is that we have the votes as far as having the bill not be recommitted, but denied on the Floor. So the motion has failed. We're back to the main motion."

Representative Meyer rose, stating:

"I thought a division of the House was just an automatic if someone asked for it."

Speaker Say: "No."

Representative Meyer: "There's no way of knowing on the voice

vote there."

Speaker Say: "Well the Chair has ruled. If you want to appeal the Chair's ruling you may."

At 9:56 o'clock p.m., Representative Luke requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:56 o'clock p.m.

The Chair then stated:

"The Chair stands corrected at this point. There has been a request by the Minority Floor Leader that there be a division of the House."

The motion that the report of the Committee and S.B. No. 2190, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," be recommitted to the Committee on Conference was put to vote by the Chair and upon a show of hands failed to carry. (Representatives Abinsay and Stonebraker were excused.)

(Main Motion)

Representative Ching rose, stating:

"I thought we were still on the main motion. I wanted to submit written comments."

The Chair then stated:

"Okay, the Chair will allow you but the Chair has already decided that we had enough of this discussion on this particular matter. It's been an hour and ten minutes on this particular matter, and I think you should have been aware that if you have written comments or you are opposed or in support, please stand up as quickly as possible. So Representative Ching you can submit written comments in support of this particular Conference Draft."

Representative Ching continued in opposition, stating:

"I was just trying to be polite. In opposition. Thank you. And I'd like to incorporate the words of the speaker from Maui and additional comments of my own."

Speaker Say: "The speaker from Maui was in support with reservations."

Representative Ching: "I would like to incorporate his words about the wage increase."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition.

"I support the original intent of S.B. 2190, which would have provided temporary tax relief to employers by lowering the maximum taxable wage base for calendar year 2006 and 2007. It would have afforded the wherewithal for businesses to pursue growth opportunities that would serve to sustain the current level of prosperity, including additional tax revenues to the State's coffers.

"However, I have grave concerns with this measure that would considerably increase the maximum potential benefit and the maximum weekly benefit of 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. Increasing the percentage of the weekly benefit and the maximum potential benefit of these high wages undermines the initial intent of this measure.

"Of particular concern is the treble increase in the threshold for deducting wages earned while collecting benefits, which purportedly

will encourage employees to seek more permanent employment benefits and maximum pay for part time work has little or no motivation to seek a permanent full time job."

Representative Stevens 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 Stevens' written remarks are as follows:

"Senate Bill 2190 began as an Administration measure designed to give a three year tax holiday to employers due a large surplus in the Unemployment Insurance fund. Unfortunately the bill was changed significantly to a generous unemployment benefit package for citizens out of work. A small amount of tax relief was attached. While the two years of tax holiday will assist employers, the permanent benefits for employees will cost a lot and tip the scale in workers' favor. It is my hope that with the current low rate of unemployment, and average of 14 weeks of collection, very few workers will need to stretch their benefit time to the full 30 weeks."

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 Senate Bill No. 2190, Senate Draft 1, House Draft 1, Relating To Employment Security.

"Mr. Speaker – In Director Befitel's written testimony on Senate Bill 2190 Senate Draft 1 House Draft 1 before the House Finance Committee on March 29, 2006, he testified in opposition to the proposed \$150 off-set of UI benefits from the current \$50 off-set – In particular, he argues that it would encourage eligible unemployed workers to intentionally remain on UI and not seek employment opportunities and full-time employment. Nothing could be further from the truth. So, let me walk you through his testimony and explain why I disagree with his opinion.

"In Director Befitel's example -- Joe works part time and earns \$300 per week while he collects \$450 a week in UI benefits. This means that Joe has been working for several months and may have had more than one job.

"If we assume the Director's example to be true and that Joe is entitled to \$450 of UI benefits per week that means Joe was earning about \$3,150 a month or \$788 per week. Joe working makes \$788 per week.

"So, knowing all the facts regarding the amount Joe earns while working full-time, working part-time, and what he could receive each week on unemployment lets examine the Director's argument. First under present law with a \$50 off-set. Next, with the proposed \$150 off-set.

"First under present law, Joe is subject to a \$50 off-set. \$50 is deducted from his part time wages of \$300 with the balance subtracted from his \$450 UI check. (\$300-\$50 = \$250) The result is (\$450-\$250 = \$200) a \$200 UI benefit per week. Since he also makes \$300 part time, his total weekly income is \$500. In other words, Joe working part-time -- with a \$50 off-set -- and \$200 UI benefit will make \$288 less a week or \$1152 less a month.

"Now we need to look at what Joe would make if he receives UI benefits with the proposed \$150 off-set. Joe earns \$300 a week working part-time and is entitled to \$450 a week in UI benefits. With the proposed \$150 off-set, all the money earned over \$150 is subtracted from his UI benefit. In this case -- Joe will have \$150 subtracted from his UI benefit (\$300-\$150=\$150).

"After subtracting \$150 from his \$450 UI benefit -- Joe's total UI benefit is \$300 per week. But, since Joe also earns \$300 a week from

his part time job, his total weekly income is \$600. In other words, Joe working part-time with a \$150 off-set and a \$300 UI benefit will make \$188 less a week or \$752 less a month.

"Now let's compare. Joe works full-time to earn \$788 a week -- or he works part-time and receives UI benefits (\$450-\$150 = \$300) for a total income of \$600 a week. Even if he keeps \$100 more (\$300 versus \$200 per week) of his UI benefit under the new proposal will not make more than he would earn working full-time. Director Befitel believes that the new \$150 off-set would discourage beneficiaries from finding full-time employment because they will keep more of their UI check. Now does that make sense? I think not. First, Mr. Speaker -- \$188 dollars a week more is a substantial amount to consider. It comes out to \$752 more a month. I cannot believe that Joe would stay on UI benefits for the entire duration of his claim knowing that he could make almost \$800 more -- per month -- working full-time. If Joe were to continue on UI benefits and forego a full-time position for the proposed duration of 30 weeks -- he would have missed \$5640 in earnings. This is a clear incentive to find full-time work.

"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 the report of the Committee was adopted and S.B. No. 2190, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Final Reading by a vote of 28 ayes to 21 noes, with Representatives Berg, Carroll, Ching, Chong, Evans, Finnegan, Harbin, Ito, Karamatsu, Marumoto, Meyer, Moses, Nakasone, B. Oshiro., Pine, Sonson, Tanaka, Thielen, Wakai, Yamane and Yamashita voting no, and with Representatives Abinsay and Stonebraker being excused.

At 10:02 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2980, SD 2, HD 1, CD 1
 S.B. No. 3197, SD 2, HD 1, CD 1
 S.B. No. 3059, SD 2, HD 1, CD 1
 S.B. No. 3195, SD 2, HD 2, CD 1
 S.B. No. 3273, SD 2, HD 2, CD 1
 S.B. No. 2076, SD 2, HD 2, CD 1
 S.B. No. 2190, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 222-06 and S.B. No. 2708, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2708, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 223-06 and S.B. No. 2719, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2719, SD 2, HD 1, CD 1 pass Final 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."

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

"Mr. Speaker, in strong support. And I want to commend the Education Committee for coming out with this excellent bill.

"I am especially am very pleased by the section that allows additional Charter Schools to be formed if a Charter School meets an accreditation, and then another Charter School can come forward. That's something that's been urged for many Sessions now by my constituents and many others. They want to see more Charter Schools.

"I am also very pleased by the section that talks about permitting funding for facilities. That's another thing that's been really, really needed by the Charter Schools. So I urge my colleagues to support this very important legislation."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2719, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 224-06 and H.B. No. 3105, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3105, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 225-06 and H.B. No. 3142, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3142, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support. Thank you, Mr. Speaker. Earlier this year the Legislative Reference Bureau issued a report entitled: On-Call Crisis in Trauma Care: Government Responses, which included the finding that trauma centers across the nation have for many years been facing a crisis securing physician specialist for an emergency call.

"However, the on-call crisis faces not only trauma centers, but also hospital emergency departments. What are the causes of this crisis? According to the study, number 1, the cost of care has increased, while payments to physicians from health plans, Medicare, Medicaid, have dramatically decreased. Number 2, many physician specialists have reduced or eliminated emergency calls in favor of a more predictable lifestyle. Number 3, there's a national shortage of physician specialists in many areas critical for trauma coverage. And 4, malpractice liability insurance premiums are rising.

"In January the American College of Emergency Physicians issued a report card on the state of emergency medicine. ACEP classified Hawaii's support for its emergency medical care system as quote, 'insufficient,' citing below average access to emergency care. Hawaii ranked 34th overall and in the most heavily weighted category, access to emergency care, our State earned a C+ grade due to a shortage of emergency departments, trauma centers, and registered nurses.

"The ACEP report and the LRB study supports the critical need to

develop a statewide trauma care system. Mr. Speaker, I'm proud that this Legislature and the Health Committee in particular have responded to this crisis with three measures. Number 1 is this bill, HB 3142 that creates a special fund to support the continuing development and operation of a comprehensive State trauma system. This would include a subsidy of the cost of uncompensated and under compensated trauma care incurred by hospitals providing trauma care, and costs incurred by services provided by on-call physicians for trauma care.

"Number 2, Senate Bill 2961 provides a consistent source of funding for the trauma special fund. And finally, number 3, HCR 88, SD 1, requests the Director of Health to develop a trauma system plan for Hawaii.

"Mr. Speaker, as a state isolated in the middle of the Pacific Ocean, comprised of separate island entities, it is imperative that we develop a trauma system that provides accessibility to the finest trauma professionals available to all citizens to the greatest extent possible. And with these measure, we recognize a critical need and provide the appropriate response to those needs. Thank you, Mr. Speaker."

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

"Mr. Speaker, just like to disclose a potential conflict. My wife sits on the Board of Queen's Health Systems and I think they're a beneficiary of this bill," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3142, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 226-06 and H.B. No. 2961, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2961, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 227-06 and H.B. No. 2558, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2558, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I'm looking at the bill and there's a change here that occurred after it left the House and maybe our Members aren't aware of it. But this has to do with putting people or offering people vocational rehab that have been disabled. And I have no problem with that except that it looks to me like every single person that is temporarily disabled in this State will use this measure to go into vocation rehab. I mean, they could go to school until they get a PhD, I don't know. But it says, 'even if you suffered permanent disability as a result of work injuries or who have otherwise been deemed unable to return to their regular jobs after the injury may have been stabilized,' and we all understand that language, 'where the employer has made no offer of permanent suitable work that would restore the earnings capacity as near as possible to a level that the employee was earning at the time of injury.'

"In other words if the employer does not offer a permanent job and it doesn't say how permanent that is. I mean until they're a hundred or I don't know. But if you don't offer them a permanent job that restores their earning capacity, then off they go to vocational rehab. We didn't have the word permanent in this bill when it passed through here and I think that that is a very dangerous word. Thank you."

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

"Thank you, Mr. Speaker. I will be voting no on this measure. Vocational rehab is a tool to attempt to take an employee that has been injured that cannot return to their normal employment and to give them the opportunity to rehabilitate themselves for another career. This is one of the provisions of the work comp system, which has become quite abused in the past three or four years. There have been some real horror stories on the abuse of vocational rehab for those that are unable to return to their regular employment.

"Where this bill runs us into a problem is back in the 90s, we attempted to enable the business community to have coordinated care where we would offer light duty so that we can get employees back to work. The problem is that most businesses that are 'mom and pop' businesses or businesses that are less than a hundred, we have a real problem trying to determine how they can accommodate light duty for a returning employee. What this will do is this would allow further abuse of a system that is supposed to be rehabilitating an employee. I could get into a whole trail of horror stories, but I believe that this is going to again so totally impact our work comp system that once again we're going to be in dire straights when it comes to providing coverage. Thank you."

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

"Very briefly, Mr. Speaker, I rise in favor with reservations. And I also focus on the word, 'permanent' and I'm assuming that this permanent suitable work, did not refer to a lifetime job. If I'm wrong, I would like to be corrected. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2558, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Final Reading by a vote of 40 ayes to 6 noes, with Representatives Ching, Finnegan, Harbin, Meyer, Moses and Stevens voting no, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 228-06 and H.B. No. 2947, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2947, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

At 10:13 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2708, SD 2, HD 1, CD 1
 S.B. No. 2719, SD 2, HD 1, CD 1
 H.B. No. 3105, HD 2, SD 2, CD 1
 H.B. No. 3142, HD 2, SD 2, CD 1
 H.B. No. 2961, HD 1, SD 1, CD 1

H.B. No. 2558, HD 1, SD 2, CD 1
H.B. No. 2947, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 229-06 and H.B. No. 3244, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3244, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 230-06 and H.B. No. 970, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 970, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 231-06 and H.B. No. 2175, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2175, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 232-06 and H.B. No. 266, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 266, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. The bill proposes to eliminate management's discretionary ability to direct its workforce by making such fundamental concepts as a determination of work methods and operations, the establishment of qualifications and standards for work, and establishing a nature of content examinations, all negotiable items.

"If these subjects are up for negotiations, who will be responsible for the outcome and where will the accountability fall? Ultimately these are all management's responsibilities. It is critical that management has sufficient latitude to respond to the multitude of demands of the employer from employees and the public. This measure would strip management's ability to conduct its business.

"In a decision by the Hawaii Supreme Court in the United Public Workers v. Mufi Hannemann, the court reaffirmed that parties are permitted and encouraged to negotiate all matters that affect wages, hours, and conditions of employment as long as the negotiation do not infringe upon the employers managements rights under Section 89-9d in the HRS.

"Management rights have been in existence since public sector collective bargaining was first implemented over 30 years ago. The existing law allows public employers and employees to resolve their differences through meaningful dialogue, discussions on matters

through a variety of forums, including collective bargaining, so there is no need for this drastic change. This change will unreasonably favor employees and will be to the detriment of the general public. Of those ideas we should have, Mr. Speaker, is it fair to allow the employer to conduct business without putting them out of business? We don't have any employees if we don't have business or government at least employing them. Thank you."

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

"Mr. Speaker, I'm also in opposition. And very simply, I feel that this bill is a total erosion of management rights. Thank you."

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

"Mr. Speaker, in support. Let's begin by saying what this bill is not. This bill is not a repeal or a lessening of management rights as set forth in HRS 89-9(d).

"Mr. Speaker, what this bill is trying to accomplish and what we struggled with over the last two legislative Sessions is dealing with a decision that was cited earlier this evening or talked about UPW v. Hannemann. And the conclusion of the holding of the case as we discussed last year, we don't have a problem with. It basically says that the transfer of employees by UPW or the challenge to transfer of employees by UPW was not determined to be right.

"But what is bothersome and what has created real problems is the dicta right before the holding on this case. And dicta is something that lawyers cite to show the intent of the court. It may not have been the ruling in that particular case, but it's an indication of how the court would rule if they were presented with this question and it is cited by lawyers. And it states, 'In other words the right to negotiate wages, hours, and conditions in employment is subject to, not balanced against, management's rights.' That indication tips the balance. Up until this point, there was a balance between management's rights and the rights of labor to negotiate on some permissive issues, and with that dicta, it tipped it in favor of management. And what we're attempting to do and what we attempted to do last year, and what we attempted to do throughout this Session, is tip it back to a balanced position. And I think we accomplished that, Mr. Speaker.

"This bill is different than last year's bill. And what it tries to do is as this, Mr. Speaker. First, it clarifies that management's rights and the rights to engage in collective bargaining are equal to each other, and that management's rights do not preclude negotiations over mandatory subjects of bargaining, and it states that in the legislation that's drafted.

"Second, it clarifies that management's rights may not be used to preclude negotiations over mandatory subjects of bargaining. We wanted to make clear that there are certain provisions or rights that management has. And it preserves the rights of the public employer to manage its own operations. Therefore your Committee on Conference, Mr. Speaker, wants to make it really clear and it puts it in the Committee Report, that this bill is not intended to infringe upon or dilute management's rights in any way.

"And then finally Mr. Speaker, and probably most importantly, something that we've heard raised last year and again this year is this: we're going to make it absolutely certain that this does not pertain to negotiating individual transfers of employees-whether they be lifeguards from the North Shore to the South Shore in a summer swell, or a police from one substation to another. And so we put in the Committee Report that it only applies during the collective period when negotiations, Memorandum of Agreement, Memorandum of Understanding or Supplemental Agreement. Only in those periods, which is fair, Mr. Speaker, do they have a right to try to negotiate with the employer on issues regarding transfers during the collective bargaining period or other periods where they're discussing basic

conditions of transfer. Once that's settled and you transfer, you live with those conditions, Mr. Speaker.

"So as much as people try to argue that this somehow will infringe on the right of management to transfer workers, this legislation does not do this. It doesn't do it on the face of the language. But some people argue that maybe it's not clear enough and as we know, if you think there's some ambiguity in the legislation, you look at the Committee Report, statements on the Floor for legislative intent, and the legislative intent is clear, Mr. Speaker on all three of these points. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 266, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Final Reading by a vote of 41 ayes to 7 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 233-06 and H.B. No. 2179, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 234-06 and H.B. No. 2176, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2176, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in strong support. And I request that my comments on Senate Bill 2958 be reflected in this bill and also to add my written comments. And to make certain that in the Committee Report, that they intend to use the \$10 million for repairs was intended for the State and federal public housing."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 2958, S.D. 2, H.D. 1, C.D. 1 entitled: 'A Bill For An Act Relating To Housing,'

"The purpose of the measure is to implement policy and procedures and many of the recommendations of the Joint Legislative Housing and Homeless Task Force established pursuant to Act 196, Session Laws of Hawaii 2005. Specifically, this measure:

Addresses the non-fiscal appropriations or policy and procedures of the Housing Omnibus Bill, HB No. 2176, H.D. 2, S.D. 2, C.D. 1.

It adds two new members to the Hawaii Public Housing Authority Board of Directors;

Deletes the requirement that there be intent to demolish public housing units before they may be decommissioned;

Authorizes State-owned parcels may be leased for the development of self-help housing;

Makes a requirement that public lands identified as suitable for

affordable residential development be transferred by the Department of Land and Natural Resources to the Hawaii Housing and Finance Development Administration; and

Stresses the intent that the Housing and Community Development Corporation of Hawaii, or its successor agency, provide by rule that minor children may reside in State housing for elders where a grandparent is the primary caregiver, with a five percent set-aside of units for that purpose.

"It is my recommendation that S.B. No. 2958, S.D. 2, H.D. 1, C.D. 1, pass Final Reading. Thank you, Mr. Speaker."

"Mr. Speaker, I would like to make a point of clarification that while item 6 on the Committee Report of the Omnibus Bill H.B. 2176, H.D. 2, S.D.2, C.D. 1 states that we are appropriating \$10,000,000 to "repair and modernize vacant units in federal and State public housing projects;" Section 4 of the bill needs clarification for purposes of legislative intent. Section 4 currently reads:

"SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 to repair and modernize existing federal and state buildings for transitional shelters and emergency shelters, as defined under section 201G-451, Hawaii Revised Statutes."

"I would like to note for the purposes of legislative intent, a point of clarification that Section 4 of H.B. 2176, H.D. 2, S.D. 2, C.D. 1 should be interpreted as follows:

"SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 to repair and modernization of vacant units in federal and state public housing projects or building for transitional shelters and emergency shelters, as defined under section 201G-451, Hawaii Revised Statutes. The sum appropriated shall be expended by the Hawaii public housing administration for the purposes of this section."

"Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. Strong support, and strong reservations as to Sections 9, 10, and 11, which appropriates, Section 9, \$300,000. Appropriates \$65,500 and appropriates in Section 10, \$68,920 to Victory Ohana.

"Mr. Speaker, let me explain why I'm strongly am opposed to these particular sections of this Majority Package Bill. Victory Ohana, Mr. Speaker, is a structured living facility that deals with parolees and probationers. They are operating in a Weed and Seed area in Waipahu. They have two facilities. One, a 180-bed facility, the other one, over 30-bed facility. The way they get around the City Ordinance that only five people who are unrelated can live in a residential or in a home in a residential area is that they count the apartment units as individual residences. So in Waipahu you now have an institution in the middle of a Weed and Seed area.

"This came to the attention of the Neighborhood Board way back in 2002 when Jim Dooley did an investigative report on the activities of Fresh Start, which is operating a facility in a 135-bed facility in Koolau, and Victory Ohana, operating a facility in Iwilei.

"In 2003, there's a follow-up story regarding Victory Ohana in Waipahu. In Waipahu the neighborhood tried to take action to try to clarify their purpose in the area and the Weed and Seed area. And they tried to remove that program from the area because it is a Weed and Seed area. If it's the Weed and Seed Program, Mr. Speaker, it's suppose to take out criminal elements out of the area and then put in

things that are good for the community like social services, etc.

"The big issue that we dealt with in '03, more specifically against this facility is that they were housing parolees that were sexual predators. And it is an area of low-income housing, right next to State housing. And there are children running around in that area. The community got involved in this. We also found that they were actually in violations of City Ordinances. I noticed a violation was entered against them, and I have it right here, in 2003. The violation is of Chapter 21. It says that the Victory Ohana is using apartment buildings at the sites, the two different addresses, to operate a special treatment facility. This special treatment facility is considered a group living facility and requires a conditional use permit from the Department of Planning and Permitting.

"This violation ended up with an order, a notice of order dated November 5, 2003, for both properties, in which the facility was fined \$500 on December 8, 2003, and \$100 for everyday that they will be assessed if they don't make the corrections, in other words, to stop their activities as a treatment facility.

"Now what worries me, Mr. Speaker, is that in Section 9 of this bill, they are operating to assist mentally ill individual and substance abusers who are homeless. As you know, we passed a bill that requires facilities, such as this, to be licensed last year. And it was the intention that, this facility was supposed to comply with this particular law that was passed so they can operate as a special treatment facility.

"Well according to VOHA today they confirmed that they have not even applied for this. And according to the City and County of Honolulu on May 2, '06, today ..."

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

Representative Sonson continued, stating:

"Thank you very much, Representative. Today, these facilities have accumulated \$80,000 in fines that are not paid and now are liens on the property, both facilities. And they continue to accumulate \$100 a day as an assessment in fine.

"Now this facility is obviously breaking the law. First they skirted the City Ordinance that only allows for five people who are unrelated to live in a residential unit by the loophole that if it's an apartment complex we can put as many as possible as long as we don't have five in one room or in one apartment unit. And two, they are not complying with this Order. They're not paying for it. According to the Corporation Counsel, they're just sticking their head in the sand and wishing that it will go away. I'm afraid that this money, this \$300,000 is going to assist them to pay these fines in that they will continue to break the law.

"Moreover, we have priorities in this bill that will assist the true homeless. This section in Section 10, this \$68,920 is for a computer. In Section 11 the \$65,500 is for a solar energy system for this shelter. To me, Mr. Speaker, we have high priorities that are listed in this particular measure. I hope that the dispensing agency, which is the Department of Public Safety will ensure that they at least, I don't know, prove their worth. I don't know what to do at this point, Mr. Speaker. All I'm certain to know is that I really object to this money going to this facility for the reasons that I stated. And I hope that there's somewhere in the process there's a way that the State can hold them accountable before this money is dispensed to them. Because in effect, this money can very go to perpetuate the breaking of the law. To me, Mr. Speaker, that is not a worthy cause. No matter if we say that we want to provide a cure for homelessness at every section of our community. Thank you very much."

At 10:29 o'clock p.m., Representative Kahikina requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:29 o'clock p.m.

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

"Mr. Speaker, I rise in support with reservation. My reservation is on page 3, that is the insertion of Victory Ohana Prison Fellowship with an appropriation of half a million dollars that was added in Conference Committee.

"Conference Committees, Mr. Speaker, the function of which is that I know of is to iron out the differences between the House and the Senate versions of the bill. Dropping in a questionable recipient at the eleventh hour wherein both Houses can no longer weigh in on the discussion is what I call deceptive. Although this matter is acceptable, Mr. Speaker, I consider it as an abuse of the Chair's prerogative. This is a Majority Package Bill, Mr. Speaker, and I'm one of the signatories of the original bill. Now I am voting with reservations. I would like to vote no, but that would affect the other worthwhile recipients of this bill.

"I just feel that Victory Ohana Prison Fellowship does not belong to the same groupings of emergency shelters that are indicated in this bill. It is alleged that this organization goes to the extent of accepting mainland ex-convicts to be transferred to Hawaii to become recipients of public assistance. How can this organization rise as an emergency shelter when they open their doors to mainland transfers? We are a benevolent State, Mr. Speaker, however, we are an island nation with very limited resources. We need our tax dollars for our own people.

"Furthermore, Mr. Speaker, ex-convicts are not the type of people that we welcome to come to Hawaii. Furthermore, Mr. Speaker, Victory Ohana Prison Fellowship is a halfway house. Dropping it in a bill on the eleventh hour did not allow the Committee on Public Safety to consider its merit. Mr. Speaker, for the sake of transparency and accountability, measures such as this should not be allowed to be entered on the eleventh hour of a Conference Committee. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I do want to add that this bill, and also Senate Bill 2958 is the results of your joint House-Senate Taskforce. And I do want to commend the Chairman of Housing for his hard work and his leadership, not only this summer, but this Session. We made some real progress and I do want to commend his leadership. Thank you, Mr. Speaker."

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

"Mr. Speaker, in strong support. I don't think there was any evidence that there was any kind of abuse of discretion by the Chair of Housing. And I want to adopt the words of both the Chair and Vice Chair of the Housing Committee as my own," and the Chair "so ordered." (By reference only.)

Representative Sonson rose to respond, stating:

"Thank you very much, Mr. Speaker. There was a recess called and a document was handed to me, dated May 2, 2006, which confirms that there is now a cease and desist order coming from Department of Health dated April 18, 2006, which proves that there are therapeutic services and programs onsite that the Department of Health has found that are not licensed and have been ongoing since 2003 as indicated by the violation from City and County. This letter merely confirms that they are in violation and it is a way for them to correct it.

"The City and County says, stop having counseling and other services in onsite. Stop having drug treatment programs and drug testing and have those not onsite, but offsite. Meetings. There should be no other office used on this site other than an office for the resident manager, building manger, which will be permitted on a multifamily dwelling. And lastly, as I mentioned, all therapeutic services onsite as specified in the Department of Health are ordered to cease and desist. They must stop.

"This is information of the violations, Mr. Speaker, and they are continuing. They must comply with it. It does not say that they have complied and that they are no longer required to get a conditional use permit as required by City and County of Honolulu. And again, Mr. Speaker as I stated earlier, as of today they owe a lien, \$80,000 per facility."

Representative Kahikina rose to respond, stating:

"I'm compelled to stand, Mr. Speaker. This letter from the City and County of Honolulu... Thank you. This letter that I have given to a copy to Leadership and to the Representative from Waipahu merely indicates that Victory Ohana was given permission to continue to operate as a multifamily dwelling for the purpose under the Land Use Ordinance.

"However, the bullet points that the Representative cites further expresses the conditions that are not allowed under this multifamily dwelling which is the items that he had mentioned. That no therapeutic services are to be performed on this site. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I wish to speak in strong support of this measure. And in particular on behalf of Victory Ohana, I must admit that I don't know very much about the specifics of their operation, but I've always admired Pastor Gary Shields who heads that organization. And I just admire his dedication and his intent to serve the people who almost have no hope. And unless there are people like him and this program to address the needs of those who are just out of prison, they would just go back to where they came from and recommit crimes. These are the kinds of programs that really need our help. So whatever problems may exist, if they do indeed, we should come to their assistance and provide whatever help they may require so that we can help our brothers and sisters who really need our help. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support, in strong support. I wasn't going to speak, but as I'm sitting here and I heard some of the comments from my colleagues, it breaks my heart. Because whether you're from the Mainland or you live in Hawaii, the bottom line is when you come out of prison and if you have never walked in those shoes and you come out of prison and not have a place to stay you are considered homeless.

"I have not only family, but friends similarly situated. In my district we have a residential program where a faith based organization doesn't accept money, but goes out and a family takes care of prisoners who actually need a place to stay. And they take them in as their own and through their program they help them to transition, as well as MEO. They help provide a great program for reintegration, and a transitional program for incarcerated people. So it's real when they come out and they have no home to live in because what happens is they do go on the streets. And it's because of the compassion that people have to help these people, that is why I strongly support this, the Chair and all of his efforts in providing programs. It may not be perfect, but they are serving a purpose in their community. Thank you."

Representative Kahikina rose, stating:

"Mr. Speaker. One last request. May I insert the letter dated May 2nd from City and County of Honolulu into the Journal," and the Chair "so ordered."

[This section left blank.]

[This section left blank.]

Representative Kahikina submitted the following letter from the City and County of Honolulu:

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
 600 NORTH KING STREET, 27th FLOOR • HONOLULU, HAWAII 96813
 PHONE: (808) 527-4432 • FAX: (808) 527-6543
 DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

MUFTI HANSELMANN
 MAYOR



HENRY ENG, FAICP
 DIRECTOR
 DAVID K. SANDRIF
 DEPUTY DIRECTOR

May 2, 2006

2006/ELOG-875(ec)

Mr. Gary W. W. Shields
 Victory Ohana
 94-104 Puuole Place
 Waipahu, Hawaii 96797

Dear Mr. Shields

Re: Victory Ohana Facilities
 4-104 Puuole Place - Tax Map Key 9-4-39: 15 to 18
 94-951 Kahuaomoku Place - Tax Map Key 9-4-17: 33

This responds to your letter of April 20, 2006, requesting confirmation that a Conditional Use Permit (CUP) will not be required for the two (2) "facilities" at the above sites. Both sites are in the A-2 Medium Density Apartment District.

You indicate that the men's facility has thirty-nine (39) dwelling units and the women's facility has seven (7) units; and there will be no more than four (4) occupants in the two (2) bedroom units and two (2) occupants in the studio units. None of the dwelling units will be used as a meeting facility. One (1) unit in each apartment complex will be occupied by a resident manager.

Generally, the proposed use meets the definition of a multi-family dwelling for purposes of the Land Use Ordinance (LUO). However, please note that each unit may be occupied by no more than five (5) unrelated persons. Further, the following conditions would apply to the facilities for them to be considered multi-family dwellings:

- There are no programs, counseling or other special services provided to residents on the site, including the peer counseling activity you discussed with our staff on May 2; and
- All the above services, including drug treatment programs and drug testing, occur off-site; and
- There are no other office uses on the above sites, other than an office for the resident manager or building manager, which may be permitted as an accessory use to the multi-family dwelling (apartment building); and

Mr. Gary Shields
 May 2, 2006
 Page 2

- All therapeutic services and programs on-site as specified in the "Order to Cease and Desist Unlicensed Operation as Special Treatment Facility" issued by the State of Hawaii Department of Health, dated April 18, 2006, must be discontinued.

If any of the above activities commence or continue to be in place, then the facilities on the above sites would be considered "group living facilities" under the LUO and require a CUP, Major.

Please contact Elizabeth Chinn of our staff at 527-5754 if you have any questions.

Very truly yours,


 Henry Eng, FAICP, Director
 Department of Planning and Permitting

HE:bbjk

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The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2176, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 235-06 and H.B. No. 2966, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2966, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 10:40 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 3244, HD 1, SD 2, CD 1
 H.B. No. 970, HD 1, SD 1, CD 1
 H.B. No. 2175, HD 2, SD 2, CD 1
 H.B. No. 266, HD 1, SD 2, CD 1
 H.B. No. 2179, HD 2, SD 2, CD 1
 H.B. No. 2176, HD 2, SD 2, CD 1
 H.B. No. 2966, HD 2, SD 2, CD 1

At this time, the Chair announced:

"Moving on, Members to Supplemental Calendar No. 1. You all realize that the Chair made a statement earlier this morning at 10:45, that these 10 bills have to meet the 48-hour notice and will be taken up on Thursday. Is everybody clear? 48-hour notice for Supplemental Calendar No. 1."

SUPPLEMENTAL CALENDAR #2 STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1872-06) recommending that S.C.R. No. 91, 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. 91, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE THE BACKLOG IN UNSERVED ARREST WARRANTS," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1873-06) recommending that S.C.R. No. 84, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 84, be adopted, seconded by Representative B. Oshiro.

Representative Carroll rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and 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," was adopted, with Representatives

Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1874-06) recommending that S.C.R. No. 104, 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. 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," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1875-06) recommending that S.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 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," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1876-06) recommending that S.C.R. No. 172, 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. 172, SD 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," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1877-06) recommending that H.R. No. 112, 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. 112, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION, WITH COOPERATION FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO ASSIST IN THE STATE AND NATIONAL POLICIES TO REDUCE RELIANCE UPON FOSSIL FUELS AND TO PROMOTE THE DEVELOPMENT OF AN ETHANOL INDUSTRY IN THE STATE OF HAWAII," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to the following House bills. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

H.B. No. 2278, H.D. 1, S.D. 2
H.B. No. 2313, S.D. 1
H.B. No. 2315, S.D. 2
H.B. No. 2319, H.D. 1, S.D. 1
H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 2535, S.D. 2;
H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 2964, H.D. 1, S.D. 2
H.B. No. 2987, H.D. 1, S.D. 2
H.B. No. 3100, H.D. 1, S.D. 1

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 and carried. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

H.B. No. 2278, H.D. 1, S.D. 2
H.B. No. 2313, S.D. 1
H.B. No. 2315, S.D. 2
H.B. No. 2319, H.D. 1, S.D. 1
H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 2535, S.D. 2;
H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 2964, H.D. 1, S.D. 2
H.B. No. 2987, H.D. 1, S.D. 2
H.B. No. 3100, H.D. 1, S.D. 1

Representative Moses rose, stating:

"Mr. Speaker. Can we discuss the measure now?"

The Chair responded, stating:

"No, not at this point. Representative Moses, at this point, all we are doing is first of all doing the reconsideration and the move to agree. When the motion is to pass Final Reading, that's when you'll have the opportunity to speak on each of these measures."

The Chair then addressed the Clerk who announced that with the exception of H.B. No. 2641, HD 1, SD 2 which was not assigned conferees, the record of vote forms for the aforementioned bills had been received.

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

H.B. No. 2278, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2278, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Luke, Takamine and Marumoto). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2278, H.D. 1 and

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," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2313, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2313, on the following showing of Ayes and Noes:

Ayes, 2 (Herkes and Stevens). Noes, none. Excused, 1 (Schatz).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2313 and H.B. No. 2313, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2315, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2315, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Yamashita and Marumoto). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2315 and H.B. No. 2315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2319, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2319, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Yamashita and Stevens). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2319, H.D. 1 and H.B. No. 2319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2423, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2423, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, Lec and Moses). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2423, H.D. 1 and H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2535, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2535, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Luke and Marumoto). Noes, none. Excused, 1 (Karamatsu).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2535 and H.B. No. 2535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2641, H.D. 1, S.D. 2:

Representative M. Oshiro moved that H.B. No. 2641, HD 1, SD 2, pass Final 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. Mr. Speaker, this measure defines public works projects to include construction contracts between private persons if more than 50% of the assignable square feet of the project is leased or signed for use by the State, county, or State-county agencies, whether or not the property is privately owned.

"Further, it refers to a new term, 'indirect public works', and it's very broad. This could be interpreted to include unintended results such as residential home remodeling or individual homeowners receiving governmental benefit such as a real estate tax exemption. It expands the scope of construction projects subject to Chapter 104, without the DLIR's power to enforce. It encourages contractors or project owners to avoid public acknowledgement prior to the completion of building a structure on private land where only a portion of the building will be leased to the State in order to avoid being subject to the administrative burden of Chapter 104.

"Further, it expands the scope of Chapter 104 to require prevailing wages be paid on projects that are not traditionally recognized as public works projects. And it will substantially increase costs which will be passed by the developer or owner to all lessees, not just the State or county occupants of the building thereby hindering economic development and expansion to the detriment of our residents. Thank you."

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

"Mr. Speaker, brief comments. I can't let one thing stand. In support. And that's somehow that this is going to apply to our individual residences. I guess it would if one of us here was going to rent 50% or more of our home to the government. But I don't see that happening. I think that's a 'boogeyman' that's being raised just to scare people. It is a valid concern. It was raised last year from the Representative from Kailua and we addressed that concern by requiring that it's 50% or more, so that's off the table, Mr. Speaker, and shouldn't even be considered.

"Again Mr. Speaker, what we're talking about here are large public works projects where the government dictates the construction of the building and takes back 50% or more of the space to use. And the idea that indirect public works are a new concept, again, I point to that Attorney General opinion letter that I cited to previously that talks specifically about that in the law. And this is our Attorney General. He is going to be advising the Governor on vetoing bills. He's advised us in Conference on what was legal and what wasn't. And I think if he is going to be relied upon on one side, he must be relied upon on the other side. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I must agree with many of the arguments put forth by the Representative from Makakilo in opposition. I too am in opposition to this measure. In addition, I could foresee, let's say there are two buildings going up. One the owner-developer knows that they will be renting to the government or the county. Let's say the county. And the other one may just want to rent it out to commercial. Well one will have to undergo rigorous governmental controls. The other one will be privately built, still of course with a lot of controls, but the price will be different and the tenants will be maybe different initially. But maybe the second structure will be leased to government later because a government lessee comes by and leases it. So it's hard to foresee the future."

"I have another point that I was also going to bring up, but it seems to escape me now. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I believe I'm voting no. I know it's late and I'm confused, but I don't understand. If we have the infamous opinion from the Attorney General, why are we passing laws? If it's a law why do we need to have more laws? That tells me that somebody doesn't really believe the law is law. With that being said, again I have to use, coin my new phrase, which is unionization through legislation."

"I really feel bad for the outer islands. The outer islands rely on public private relationships to build roads. I believe that the Big Island delegation, when you go back to your contractors, be very wary of what they're going to say if you vote yes on this measure. The impact on the relationship between private contractors and the county on the Big Island on building roads, accessible roads, be prepared, be prepared for a backlash. We do not need a law if we have an AG's opinion that says it's law. Thank you."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. I rise again in opposition. The Chairman of the Labor Committee mentioned that this law is meant for large public works, and not having the bill in front of me, I don't know what a large public work is. Is it by dollar amount? Is it by square footage? If someone builds a parking lot to rent to government building, is that considered a large public work? I have no idea what it is, and I don't remember. Thank you very much."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2641, H.D. 1 and H.B. No. 2641, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Final Reading by a vote of 39 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2713, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers

on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2713, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Takumi, Takamine and Ching). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2713, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm going to vote yes on this, but I'd like to enter some comments. I'm in support of this because I feel this is a private school that is in dire need. Not in dire need, but I feel they're deserving of a special revenue bond. That being said I certainly hope someone tells this private school that they now have to comply with Chapter 104 public works requirements. And if they don't, they're going to be subject to fines and who knows what else. This is the type of measure that we are trying to do good to help the children of Hawaii, but what we giveth, we taketh away."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2713, H.D. 1 and 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," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2964, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2964, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kahikina, Nishimoto and Pine). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2964, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'll be voting yes with comments. This would be a wonderful bill for affordable housing considering it's a funding mechanism for nonprofits. However, Chapter 201G-133, only allows these nonprofits to be exempt from Chapter 104 up to a half a million dollars. If we're going to enable nonprofits to enter into the marketplace and to do something that we desperately need in the State of Hawaii, it would make sense that this particular Body would give them an exemption up to at least a \$100 million so that they can do the deeds that we're asking them to do with this funding. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2964, H.D. 1 and H.B. No. 2964, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2987, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2987, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Takumi, Takamine and Finnegan). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2987, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm in support and I certainly hope that someone here can carry the message to St. Louis that they now have to comply with Chapter 104. They are now a public works under the measures that are passing out of this Chamber. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2987, H.D. 1 and 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," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 3100, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 3100, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Herkes and Marumoto). Noes, none. Excused, 1 (Schatz).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3100, H.D. 1 and H.B. No. 3100, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 11:00 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2278, H.D. 1, S.D. 2
 H.B. No. 2313, S.D. 1
 H.B. No. 2315, S.D. 2
 H.B. No. 2319, H.D. 1, S.D. 1
 H.B. No. 2423, H.D. 1, S.D. 1
 H.B. No. 2535, S.D. 2
 H.B. No. 2641, H.D. 1, S.D. 2
 H.B. No. 2713, H.D. 1, S.D. 1
 H.B. No. 2964, H.D. 1, S.D. 2
 H.B. No. 2987, H.D. 1, S.D. 2
 H.B. No. 3100, H.D. 1, S.D. 1

**DISPOSITION OF MATTERS
 PLACED ON THE CLERK'S DESK**

Representative M. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

H.C.R. 145, HD 1 (SD 1)
 H.C.R. 164 (SD 1)

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. 145, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 145, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Meyer rose, stating:

"Thank you, Mr. Speaker. This House Concurrent Resolution 145 is urging the President of the United States and the 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. That's our House Draft.

"The Senate Draft is a little bit different. Requesting the State and the Federal Government to adequately reimburse healthcare providers so that they can continue to provide emergency medical treatment to the population. Just a point of inquiry, I guess. I believe what we're going to vote on now is the Senate Draft?"

The Chair then stated:

"Yes, that is before us. Senate Draft 1."

Representative Meyer: "Well then, I just want to register strong reservations on this measure."

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

"Yes, I'd like to also stand in support but with reservations. Mr. Speaker, when this Resolution first came before us, I voted no because it was a blanket request to make all illegal immigrants legal. I come from a family of various immigrants and so I really respect the process of becoming an American. And so I do support the new version that really encourages us to change the process that makes it so difficult. I do support this measure, but with the reservation that the contents still I find are disagreeable to the respect that I would place on the United States. Thank you."

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

"Just some reservations. Thank you and just some comments. Many illegal immigrants are turned away at health centers. Health centers always give everyone who comes through the door, health care."

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

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support H.C.R. 145, H.D. 1, S.D. 1. As an immigrant myself, I stand in strong support of this Resolution that calls for comprehensive and humane immigration reform. I am the initiator of the HD1 and asked our leadership to insert the immigration reform language into this vehicle and set it for hearing. I am grateful for your support in passing this important measure.

"I call upon our federal policymakers to reexamine our immigration laws and enact legislative and administrative reforms which uphold the basic dignity and human rights of immigrants and preserves the unity of the immigrant family.

"Immigrants from lands across the globe have helped build our great nation and newcomers have contributed to our nation by

strengthening our cultural and social fabric and adding their energies and ideas to our economy.

"Their presence has enriched our local communities, rural areas, and cities, and their faith in God has enlightened our increasingly secularized culture and we celebrate and embrace newcomers and acknowledge the rich contributions they make to our nation.

"Hawaii has historically held a strong interest in immigration and how public policy impacts immigrants seeking a new life in the United States and believe that the current configuration of our immigration laws combined with immigration policies pursued by our government in the last several years have had the negative effects of undermining the human dignity of immigrants and dividing immigrant families.

"I call upon our federal policymakers to revise our nation's immigration laws and policies in a manner which includes the following elements:

1. Legalization for the maximum number of persons in an undocumented or irregular legal status, particularly those who have lived here for several years and built equities in and otherwise contributed to their communities.
2. Enforcement policies, most particularly along the United States-Mexico border, which respect the human dignity and human rights of all immigrants, regardless of their legal status.
3. Revision of the 1996 immigration laws, which undermine the procedural due process rights of immigrants in our country, limit protections for asylum seekers, and are retroactive in nature.
4. Revision of the 1996 welfare law, which severely restricts the eligibility of legal immigrants for public benefits.
5. Repeal of mandatory detention of immigrants and development of alternatives to detention, especially for women and children, as well as the release of immigrants who have completed their sentences, but are indefinitely detained because their country of origin will not accept their return.
6. Enforcement of and respect for the civil and workplace rights of immigrant workers, especially those in industries which rely heavily on foreign workers i.e., agriculture, meat and poultry processing, service.

"We need a more efficient legal immigration system which will reduce waiting times and is equitable, generous, and based upon family reunification.

"Our U.S. foreign and economic policies should address the conflict, poverty, and denial of human rights which pressure persons to come to this country.

"While I recognize the right and acknowledge the responsibility of the U.S. government to secure our national borders and do not condone or encourage undocumented migration into the United States, I nevertheless affirm the dignity of undocumented persons who live in our midst and make every effort to ensure that their human rights are respected and protected.

"Until such time as the global community effectively addresses the root causes of undocumented migration, individual nations must confront the presence of undocumented persons in a manner which upholds their basic dignity and human rights.

"It's high time to reevaluate our nation's immigration laws and policies. The American people must consider how to embrace the contributions of immigrants and, in the process, better our communities and nation.

"Our elected leaders must build an immigration system which acknowledges the increasing interdependence of our world and accounts for the migration streams which characterize the new globalization.

"I stand ready to work with our federal officials to fashion a new immigration model which prepares our nation for the 21st Century while also upholding and respecting the human rights and dignity of immigrants and their families.

"I do so as a citizen devoted to providing the full range of pastoral, legal, and social services to newcomers to our land. We offer, in particular, the experience of our nationwide refugee resettlement and legal immigration networks as a source of information on the needs and aspirations of newcomers in our country and on the reforms that are necessary in our nation's laws and policies.

"Mr. Speaker, I would like to submit to this Body a quote from two articles that I wrote and were published. The following article was published in the April 1, 2006 edition of the *Fil-Am Courier Newspaper*.

"Immigration Reform: Legalization, Not Criminalization

By: Rep. Rida Cabanilla

"Never forget that everything Hitler did in Germany was legal."
Dr. Martin Luther King, Jr.

The U.S. House of Representatives passed bill, HR 4437, which declares a large portion of U.S. residents who are unable to document themselves, as felonious criminals thus subjecting them to prison for many years. Over the years, Immigrants built America, the land of the free and home of the brave. This attack on immigrants, fueled by public hysteria and racism, is an attack on the rights of all Americans.

History has shown that attacks against immigrants and minorities are unconstitutional as they arbitrarily deprive a group of U.S. residents their basic constitutional rights. In our darkest hours as a civilized nation, immigrants and minorities in the U.S. have faced fear and hostility, especially during times of economic hardship, political turmoil, and war. In 1882, one of our nation's first, the Chinese Exclusion Act, was passed by Congress to bar Asians. In the 1920's during the "Red Scare," thousands of foreign-born people suspected of political radicalism were arrested, beaten and deported without a hearing.

In 1942, 120,000 Americans of Japanese descent were interned in concentration camps until the end of World War II. Public security was used as a pretext to wipe out all Japanese businesses and to confiscate all their property and to place innocent American citizens in concentration camps similar to the Jews in Nazi Germany; all done legally by executive order by Roosevelt and Hitler. This type of attack on immigrants is an attack on all Americans and must be stopped.

As we are a free society, we must speak out and stand up against this discriminatory treatment of immigrants and minorities. Any immigration reform should include more paths to legalized permanent residency, family reunification, and workplace and civil rights protection!

During recent natural disasters like Katrina, many houses were flooded and thousands were left homeless and lost everything they owned including all forms of identification and documents that could prove who they are. Under this law, FEMA and all State and local and non-profit and religious groups would not be permitted to assist these law abiding residents in anyway but instead turn them in to be sent to prisons as felons.

This is offensive to all religious groups and especially to the Catholic Church, which has set up thousands of charities to assist refugees and immigrants. Christians themselves were once arbitrarily declared as

"illegal residents" of Rome and were persecuted and fed to the lions. Good Samaritans should not be prosecuted for their humanitarian work to save lives and efforts to protect the basic human rights of all those on U.S. territory.

Our country was built on the backs of immigrants. Immigrants perform services other Americans would not do. They work hard and pay taxes. Legal immigrants are subject to the military draft and serve in our armed forces to protect our country. Many immigrants have lived in this country for generations, married U.S. citizens, and raised their U.S.-citizen children in this country.

Laws that punish them violate their fundamental right to fair and equal treatment. It is true that the Constitution does not give foreigners the right to enter the U.S. But once here, the Constitution protects them from discrimination based on race and national origin and from arbitrary treatment by the government.

The Congressional Hispanic Caucus (CHC) and the Congressional Asian Pacific American Caucus (CAPAC) urged the senate judiciary chair to craft a more balanced comprehensive reform of our immigration laws and expressed their unified opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 urging that the most vicious provisions of that legislation not be included.

Congress should not criminalize undocumented immigrants, their family members or the samaritans and humanitarians who help the undocumented meet their material, educational or spiritual needs. Can we afford to remain apathetic and silent while our friends and families are persecuted and sent to prison? The use of stereotyping and racial profiling will result in the persecution and prosecution of immigrants of color.

Instead of criminalizing immigrants, we Americans ought to recognize the contributions immigrants have made to this country and afford them the opportunity to live in America without fear and oppression provided they have not committed terrorism or sabotage in the U.S. Please join the several thousand in Atlanta, 20,000 in Phoenix, 30,000 in Milwaukee, 100,000 in Chicago, over 1 million in Los Angeles, and stand up for immigrant rights."

My next article was published in the April 15, 2006 edition of the *Fil-Am Courier Newspaper*.

"WILL IMMIGRATION REFORM HELP THOUSANDS OF FILIPINOS WAITING TO COME INTO THE UNITED STATES LEGALLY?"

By: Rep. Rida Cabanilla

Imagine waiting in line all night at the main entrance of the Filipino Community Center auditorium to see an American Idol show. Suddenly, thousands of fans come in through a side entrance to rush forward and fill up all the seats. Then the center management comes out to give you the bad news. You have been patiently waiting in line all night to get inside, but you can't get in because the fans who came in from a side entrance took all the seats.

This is the situation of many legal immigrants from the Philippines who have been waiting as long as 20 years to come to the United States the legal way. There are fears that the proposed immigration reform will push them farther back in the line to give way to more than 11 million undocumented immigrants who are already in the United States. Such is the plight and fear of hundred of thousands of Filipino Americans.

Legal Immigration takes forever.

Like many other Asian Americans, Filipinos are relatively newcomers to the United States. Majority of the Filipinos immigrating to the U.S. does so through the family-sponsored immigration petitions. In 2004, 73% of immigrants from the Philippines came to the U.S. through family immigration. Like other

Asians, the Filipino American community is hurting from the discriminatory immigration system. Filipinos suffer from some of the worst immigration backlogs in the world. A U.S. citizen parent petitioning for an unmarried adult son or daughter from the Philippines must wait approximately 15 years. A U.S. citizen petitioning for a brother or sister from the Philippines must wait approximately 24 years.

Undocumented Immigration increases.

Consequently, more and more undocumented immigrants continue to enter the US through irregular channels as legal immigration takes time and is difficult.

Unless you have a qualifying U.S. citizen or permanent resident family member who can petition for you, or have highly specialized skills and a masters or doctorate degree, it is virtually impossible to legally immigrate to the U.S.

The estimates of the number of undocumented Filipino immigrants depends on who you ask and when. In 2000, the U.S. Immigration and Naturalization Service estimated that approximately 85,000 undocumented immigrants from the Philippines were living in the U.S. In December 2003, the Philippines Department of Foreign Affairs estimated that there were 185,000 undocumented Filipinos living in the eastern part of the U.S. alone. It is estimated that that number increased to about 300,000 to 400,000 currently.

According to the 2000 Census, approximately 68%, or 1.4 million of the 1.9 million Filipinos living in the U.S., had immigrated to the U.S. Percentages of native-born and foreign-born U.S. citizens and noncitizens in the Filipino American community are as follows: · 32.3% are native-born U.S. citizens; · 41.6% are foreign-born but naturalized U.S. citizens; and · 26.1% are foreign-born and not U.S. citizens.

Voting against criminalization, Hawaii's Congressman Neil Abercrombie said, "Any immigration bill must be informed by the spirit of fairness and respect for the millions of individuals it affects. A punitive approach animated by fear and prejudice will do nothing to resolve these complex issues, nor does it accord with American values. Immigrants have made, and continue to make, tremendous contributions to our country. I appreciate and honor those contributions."

Under the current immigration laws, no matter how long such immigrants live and work in the U.S. or how much they contribute to our economy and community, they are not afforded the opportunity to become a recognized resident of our country. The feds must allow hard working, law abiding, undocumented workers and residents to come out of the shadows and life [*sic*] their lives as free men and women. However, no comprehensive immigration reform would be fair and just without eliminating the backlogs of legal immigrants who have been waiting for family reunification for decades.

Without that provision, the immigration laws would be totally discriminatory against Filipinos and other Asians who do not share a contiguous border with the U.S. It would mean that other undocumented neighbors can enter the side door and then be allowed in ahead of those who have obeyed the law and have been patiently waiting for 20 years to get in.

Please urge your U.S. senator and congressman to support a truly comprehensive immigration reform that will: 1) Reduce the tremendous backlogs for family immigration petitions and facilitate timely reunification of families; · 2) Provide legal status and a path to permanent residence for undocumented immigrants who will work hard, pay taxes, undergo criminal and national security checks, and learn English and civics; · and 3) Promote the rule of law by treating fairly and justly legal immigrants waiting in line for family reunification and preserve their priority rights over undocumented immigrants.

United we must stand. Together we can make a difference for so many legal immigrants patiently waiting to join their families in the U.S.”

“April 10, 2006 was a national day for demonstrating support for humanitarian and humane policy for undocumented workers and residents. People from all walks of life are taking to the street across the nation to fight from [sic] comprehensive and humane immigration reform that will provide avenues to lawful permanent residency. Undocumented immigrants have made great contributions to our country and deserve to come out of the shadows and hold their heads high as free men and women in the land of the free and the home of the brave.

“I also want to express our uniform opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, and ask you urge our federal government to work to prevent the most vicious provisions of that legislation from being included in any Federal or State bill; and

“Specifically, I urge that federal and state immigration legislation or executive orders, department and agencies ruling do not include punitive provision that will:

1. Criminalize undocumented immigrants, their family members or the people who, because of their humanitarian roles in society, help the undocumented meet their material, educational or spiritual needs.
2. Impose the federal responsibility and unfounded mandate of the enforcement of immigration laws on our already overworked and undefended state and local police.
3. Require a wall or fence to be built around the perimeter of the United States, at the expense of all other laws and spending and policy priorities.
4. Further limit judicial review of immigration cases, thereby restricting immigrants' and Asylum seekers access to the courts.
5. Allow the indefinite detention of foreign-born people whose home countries will not take them back.
6. Revoke the constitutional right of citizenship from those born in the United States, or otherwise limit immigrants' access to citizenship by arbitrarily making the naturalization process more difficult.

“Such far-reaching and harsh provisions will do nothing to protect our borders or enhance national security, and would otherwise destroy any chance or hope of implementing a comprehensive policy.

“Rather, I urge our federal officials to support comprehensive immigration reform including the following vital elements:

1. A border security and interior enforcement policy that targets criminals, drug and human smugglers, potential terrorists and others who mean our nation harm. Such a policy cannot stand-alone--it must be part of a larger package that addresses the immigration system as a whole.
2. Collaboration with foreign governments, particularly those that share a border with the United States, to secure our shared borders and deter illegal entry into the United States.
3. A tamper-proof worker verification system that instantly checks whether a worker is eligible to work. Such checks should be phased in manageably and gradually, to minimize errors and protect civil liberties. Those who circumvent the new system should face stiffer penalties and fines.

4. A program to compel the estimated 11 million undocumented workers currently living in the United States to come forward and participate legally in our workforce. Most are here for a better life: they pay taxes and they do jobs no one else will do. Immigrants in the program must clear thorough background checks and pay appropriate fines and taxes before becoming eligible to work.

5. To be truly effective, the program must provide a way for workers to eventually earn legal permanent residence and citizenship. Implementing a program that only provides a work permit and ties the worker's legal status to the employer will relegate these individuals to permanent second-class status and place them in a precarious position should they need to find a new job or exert their workplace rights.

6. The reduction and eventual elimination of the backlog of people waiting, sometimes for decades, to be legally reunited with close family members. In addition, provisions of immigration law that address inadmissibility issues with regard to undocumented status, such as the three- and ten-year bars to reentry, must be waived to ensure that the reforms to the family immigration system are meaningful and effective.

7. A safe and legal means for future workers to come to the United States to fill jobs Americans will not do. To replace the illegal flow with a legal flow, visas must be made available to meet the current demand for legal immigration by employers and workers. To prevent worker exploitation, workers should have the same workplace rights as their U.S. counterparts, not be tied to any one employer, and have the option of becoming legal permanent residents and, eventually, citizens.

8. To urge the federal and state governments to pass the DREAM Act and enabling legislation to allow undocumented high school students who lived in the U.S. for three years and graduated from an IN-state high school to attend State colleges and university paying IN-state residents tuition (Dream Act). See Hawaii version introduced in 2002 by Rep. Romy Mindo, HB 1051.

“Minority children, their families and the nation would likely suffer tremendously if Congress decides that political expediency is more important than a realistic and effective comprehensive immigration policy.

“At the threshold of a new millennium, our nation must revisit its historic roots and reexamine attitudes, laws, and policies toward newcomers who come to our land in search of a better life. I call upon all our federal leaders and all citizens of good will to heed our call and challenge.

“Mr. Speaker, I urge my colleagues to support this important measure.”

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 145, HD 1, and H.C.R. 145, H.D. 1, S.D. 1, entitled: “URGING THE UNITED STATES PRESIDENT AND CONGRESS TO CREATE A PATHWAY FOR UNDOCUMENTED IMMIGRANTS TO LEGALIZE THEIR STATUS AND REQUESTING THE STATE AND THE FEDERAL GOVERNMENT TO ADEQUATELY REIMBURSE HEALTH CARE PROVIDERS SO THAT THEY CAN CONTINUE TO PROVIDE EMERGENCY MEDICAL TREATMENT TO THIS POPULATION,” was Adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.C.R. 164, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 164, and H.C.R. 164, S.D. 1, entitled: “REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSULT WITH

HAWAIIAN CIVIC ORGANIZATIONS BEFORE SELECTING ANY COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU." was Adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 319 through 330; and 333 through 335) were received and announced by the Clerk:

Gov. Msg. No. 319, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2747, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING." (ACT 061)

Gov. Msg. No. 320, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2508, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS." (ACT 062)

Gov. Msg. No. 321, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1899, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS." (ACT 063)

Gov. Msg. No. 322, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 3257, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS." (ACT 064)

Gov. Msg. No. 323, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2457, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN." (ACT 065)

Gov. Msg. No. 324, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 877, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME." (ACT 066)

Gov. Msg. No. 325, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1982, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH." (ACT 067)

Gov. Msg. No. 326, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1984, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA." (ACT 068)

Gov. Msg. No. 327, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2192, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 069)

Gov. Msg. No. 328, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1947, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY." (ACT 070)

Gov. Msg. No. 329, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2434, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 071)

Gov. Msg. No. 330, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2898, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION." (ACT 072)

Gov. Msg. No. 333, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 3253, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE." (ACT 073)

Gov. Msg. No. 334, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2050, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING." (ACT 074)

Gov. Msg. No. 335, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION." (ACT 075)

The following messages from the Governor (Gov. Msg. No. 331, 332, and 336) were announced by the Clerk and were received for possible consideration at a later date:

Gov. Msg. No. 331, transmitting H.B. No. 173, HD 1, SD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 173

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, House Bill No. 173, entitled "A Bill for an Act Relating to the National Guard."

This bill would require that persons appointed in the future to be the Adjutant General possess at least five years of service as an active commissioned officer in the Hawaii National Guard.

This bill is objectionable because it severely restricts a Governor from selecting and appointing the best military leader from all branches of the military services to serve in this significant position. The importance of the position of Adjutant General is critical to the safety and protection of the public. Limiting the ability of the Governor to select the best and brightest for this cabinet level position is short-sighted and gravely misguided.

The best candidate for Adjutant General may very well be a candidate who is not a member of the National Guard. This is especially true as the United States Department of Defense moves to

increase cooperation between branches of the military and require close coordination in response to national defense and natural disasters. This bill would reject the logic that any candidate outside of the Guard could do an outstanding job as commanding general of the Hawaii National Guard.

The Adjutant General not only serves as the executive head of the Department of Defense and commanding general of the Hawaii National Guard, but also fulfills two other crucial roles not directly related to experience in the National Guard.

First, the Adjutant General serves as Director of State Civil Defense, with responsibilities covering homeland security, emergency preparedness, crisis management, and disaster cleanup. The Adjutant General is required to coordinate not only those activities involving the National Guard, but all civil defense or emergency management activities with private, county, state, and federal agencies and military branches. Second, the Adjutant General works with the Office of Veterans Services to assist and support our veterans of all of the armed services in the State of Hawaii. A requirement that the Adjutant General have served no less than five years in the Hawaii National Guard is not a clear and convincing criteria for being able to handle a broad scope of duties the Adjutant General role requires.

The qualifications and appointment as codified in Section 121-7, Hawaii Revised Statutes, have stood the test of time and should not be changed. Other than limiting the appointing power of the Governor, this bill serves no legitimate purpose in protecting the people of Hawaii. The State of Hawaii must not limit itself when it comes to ensuring the security and safety of our people, supporting our veterans, and working collaboratively with all branches of the military.

For the foregoing reasons, I am returning House Bill No. 173 without my approval.

Respectfully,
/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 332, transmitting H.B. No. 2454, HD 1, SD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2454

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, House Bill No. 2454, entitled "A Bill for an Act Relating to Legislative Vacancies."

The purpose of this bill is to require the Governor, in filling vacancies in the State Legislature and the United States Senate, to select a replacement from a list of three prospective appointees nominated by the political party of the prior incumbent.

The goal of the present law is to fill vacancies in the State Legislature and the United States Senate in a timely manner when such vacancies occur. These vacancies in elective office are appropriately filled by the Governor, who is elected by the public at large, and as such is accountable to them. The process for filling vacancies in the United States Senate and the Hawaii State

Legislature has been in place since 1970 and has not been shown to have compromised the integrity of the election process.

This bill places the ability for determining who may be appointed by the Governor with the political party leadership of the vacating office holder. This is in spite of the fact that these individuals are not elected by the public and, as such, are not accountable to them.

Additionally, the bill, without any stated rationale, narrows the field of qualified candidates that the political party can consider to those who have been registered members of that party for at least six months prior to the appointment. Such a provision fails to recognize that this may unreasonably restrict the pool of potential candidates as the majority of people who personally and philosophically associate themselves with a political party and vote along party lines may not meet this requirement.

The Governor's ability and responsibility to select the most qualified person to fill a vacancy should not be so narrowly restricted.

For the foregoing reasons, I am returning House Bill No. 2454 without my approval.

Respectfully,
/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 336, transmitting H.B. No. 1155, HD 1, SD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1155

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, House Bill No. 1155, entitled "A Bill for an Act Relating to Naturopathy."

The purpose of this bill is to require the Board of Examiners in Naturopathy to adopt a formulary and qualifications for administering natural medicines by injection and to grant to qualified naturopaths the authority to administer natural medicines by injection.

This bill is objectionable because it does not provide adequate protection for the health and safety of the public. While the practice of naturopathic medicine has a long history and the administration of "natural medicines" by injection is part of that history, this bill does not sufficiently define "natural medicine." Although naturopaths would not have access to substances controlled under chapter 329 (Uniform Controlled Substances Act), Hawaii Revised Statutes, or prescription drugs under the purview of chapter 328 (Food, Drugs, and Cosmetics), Hawaii Revised Statutes, there are many substances on the market that are not controlled by law or regulated by the United States Food and Drug Administration and that are touted as "natural." The injection of some of these substances may cause serious harm or death to recipients of such injections.

Additionally, this bill provides that a temporary advisory committee on the administration of natural medicines by injection be formed to recommend to the Board of Examiners in Naturopathy a formulary of natural medicines that naturopaths may administer by injection and the qualifications necessary for administering natural

medicines by injection. This committee would be composed of two persons licensed as naturopathic physicians under chapter 455 (Naturopathy), Hawaii Revised Statutes, and appointed by the Board of Examiners in Naturopathy; one person licensed in medicine under chapter 453 (Medicine and Surgery), Hawaii Revised Statutes, and appointed by the Board of Medical Examiners; and one person licensed as a pharmacist under chapter 461 (Pharmacists and Pharmacy), Hawaii Revised Statutes, and appointed by the Board of Pharmacy. The temporary committee's recommendations would be acted upon by the Board of Examiners in Naturopathy, composed of three naturopathic physicians and two public members. Thus, the determination of what constitutes a "natural medicine," as well as the qualifications necessary to inject those substances into patients, would be primarily the decision of naturopaths themselves.

It would be preferable that any formulary of injectable "natural medicines" and the qualifications to administer by injection be overseen by medical doctors, as is the case with nurses.

For the foregoing reasons, I am returning House Bill No. 1155 without my approval.

Respectfully,
/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

ANNOUNCEMENTS

Representative Ching: "Thank you. I just wanted to announce that tomorrow is last day of the Historic Preservation Awareness Celebration. There will be exhibits from 11:00 to 3:00 around the Capitol, Third Floor corridors, specifically in Conference Rooms 325 and 329 with lunch for everyone invited sponsored by the participating organizations from 11:45 until 12:30. There will be speakers in Room 312 and Mary McGrath, author of Sense of Place in the State Auditorium from 2:00 to 2:45.

"Just to let you know, there is also a thank you reception for these organizations from 5:00 to 7:30 across the street at Washington Place. Some of the organizations that you might want to know from different parts of the State are the Battleship Missouri, USS Arizona, Bowfin, Bishop Museum in Kalihi, Contemporary Art Museum up in Makiki, Japanese Cultural Center, Japanese Temples in Hawaii, the Judicial Center, Kapiolani Park over near Diamond Head, Malama o Manoa, Nuuanu Pagoda, Plantation Villages, St. Andrew's Cathedral, and many more. They would love to have everyone stop by. Thank you."

The Chair announced:

"The Chair has a short announcement for all of you. You may leave your folders and your bills here this evening, but please take your laptops. The Sergeant-at-Arms will be watching your things since your staff has already gone home for today."

ADJOURNMENT

At 11:10 o'clock p.m. on motion by Representative B. Oshiro., seconded by Representative Meyer and carried, the House of Representatives adjourned until 10:00 o'clock a.m., Thursday, May 4, 2006. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 2, 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 following bills have this day passed Final Reading in

the House of Representatives:

H.B. No. 237, HD 3, SD 1, CD 1
H.B. No. 266, HD 1, SD 2, CD 1
H.B. No. 386, HD 1, SD 1, CD 1
H.B. No. 439, HD 1, SD 2, CD 1
H.B. No. 862, HD 2, SD 2, CD 1
H.B. No. 970, HD 1, SD 1, CD 1
H.B. No. 1021, HD 2, SD 2, CD 1
H.B. No. 1280, HD 1, SD 2, CD 1
H.B. No. 1706, HD 3, SD 1, CD 1
H.B. No. 1800, HD 1, SD 1, CD 1
H.B. No. 1809, HD 2, SD 2, CD 1
H.B. No. 1821, HD 2, SD 2, CD 1
H.B. No. 1861, SD 1, CD 1
H.B. No. 1862, HD 2, SD 2, CD 1
H.B. No. 1865, HD 1, SD 2, CD 1
H.B. No. 1866, HD 1, SD 2, CD 1
H.B. No. 1867, HD 1, SD 2, CD 1
H.B. No. 1871, HD 1, SD 2, CD 1
H.B. No. 1878, SD 1, CD 1
H.B. No. 1879, HD 1, SD 1, CD 1
H.B. No. 1880, HD 2, SD 2, CD 1
H.B. No. 1889, HD 1, SD 2, CD 1
H.B. No. 1891, HD 2, SD 2, CD 1
H.B. No. 1900, HD 1, SD 1, CD 1
H.B. No. 1917, HD 2, SD 2, CD 1
H.B. No. 1918, HD 1, SD 2, CD 1
H.B. No. 1923, HD 1, SD 2, CD 1
H.B. No. 1935, HD 1, SD 1, CD 1
H.B. No. 1955, HD 1, SD 1, CD 1
H.B. No. 1968, HD 1, SD 1, CD 1
H.B. No. 1995, HD 1, SD 2, CD 1
H.B. No. 2039, HD 2, SD 2, CD 1
H.B. No. 2045, HD 2, SD 1, CD 1
H.B. No. 2051, HD 1, SD 2, CD 1
H.B. No. 2075, HD 1, SD 2, CD 1
H.B. No. 2109, HD 1, SD 2, CD 1
H.B. No. 2145, HD 2, SD 1, CD 1
H.B. No. 2146, HD 1, SD 1, CD 1
H.B. No. 2153, HD 2, SD 2, CD 1
H.B. No. 2175, HD 2, SD 2, CD 1
H.B. No. 2176, HD 2, SD 2, CD 1
H.B. No. 2179, HD 2, SD 2, CD 1
H.B. No. 2199, HD 2, SD 1, CD 1
H.B. No. 2211, HD 1, SD 1, CD 1
H.B. No. 2214, HD 1, SD 2, CD 1
H.B. No. 2239, HD 1, SD 2, CD 1
H.B. No. 2265, HD 2, SD 1, CD 1
H.B. No. 2271, HD 1, SD 2, CD 1
H.B. No. 2277, HD 2, SD 2, CD 1
H.B. No. 2299, HD 1, SD 1, CD 1
H.B. No. 2343, HD 1, SD 2, CD 1
H.B. No. 2367, HD 1, SD 1, CD 1
H.B. No. 2399, HD 2, SD 1, CD 1
H.B. No. 2410, HD 1, SD 2, CD 1
H.B. No. 2412, HD 1, SD 1, CD 1
H.B. No. 2500, HD 2, SD 2, CD 1
H.B. No. 2503, HD 2, SD 1, CD 1
H.B. No. 2540, HD 2, SD 2, CD 1
H.B. No. 2555, HD 2, SD 2, CD 1
H.B. No. 2558, HD 1, SD 2, CD 1
H.B. No. 2595, HD 1, SD 2, CD 1
H.B. No. 2626, SD 1, CD 1
H.B. No. 2637, HD 1, SD 2, CD 1
H.B. No. 2639, HD 2, SD 2, CD 1
H.B. No. 2669, HD 1, SD 2, CD 1
H.B. No. 2678, HD 2, SD 2, CD 1
H.B. No. 2691, SD 2, CD 1
H.B. No. 2692, HD 1, SD 1, CD 1
H.B. No. 2708, HD 2, SD 2, CD 1
H.B. No. 2772, HD 1, SD 2, CD 1

H.B. No. 2778, HD 2, SD 2, CD 1
H.B. No. 2805, SD 1, CD 1
H.B. No. 2848, HD 2, SD 2, CD 1
H.B. No. 2899, HD 1, SD 1, CD 1
H.B. No. 2947, HD 2, SD 2, CD 1
H.B. No. 2961, HD 1, SD 1, CD 1
H.B. No. 2966, HD 2, SD 2, CD 1
H.B. No. 2974, SD 1, CD 1
H.B. No. 2991, HD 2, SD 2, CD 1
H.B. No. 3016, HD 1, SD 1, CD 1
H.B. No. 3056, HD 2, SD 2, CD 1
H.B. No. 3105, HD 2, SD 2, CD 1
H.B. No. 3116, HD 2, SD 2, CD 1
H.B. No. 3121, HD 2, SD 1, CD 1
H.B. No. 3142, HD 2, SD 2, CD 1
H.B. No. 3217, HD 1, SD 1, CD 1
H.B. No. 3225, HD 1, SD 1, CD 1
H.B. No. 3235, HD 1, SD 1, CD 1
H.B. No. 3242, SD 1, CD 1
H.B. No. 3244, HD 1, SD 2, CD 1
H.B. No. 3256, HD 1, SD 1, CD 1
H.B. No. 3259, HD 1, SD 2, CD 1
S.B. No. 427, SD 1, HD 1, CD 1
S.B. No. 439, HD 2, CD 1
S.B. No. 467, SD 2, HD 2, CD 1
S.B. No. 475, SD 2, HD 1, CD 1
S.B. No. 486, SD 2, HD 1, CD 1
S.B. No. 696, SD 1, HD 2, CD 1
S.B. No. 706, SD 2, HD 2, CD 1
S.B. No. 743, SD 2, HD 2, CD 1
S.B. No. 819, SD 1, HD 1, CD 1
S.B. No. 826, HD 2, CD 1
S.B. No. 845, SD 2, HD 2, CD 1
S.B. No. 895, SD 1, HD 2, CD 1
S.B. No. 951, SD 2, HD 1, CD 1
S.B. No. 965, SD 2, HD 1, CD 1
S.B. No. 995, SD 1, HD 1, CD 1
S.B. No. 1223, SD 2, HD 1, CD 1
S.B. No. 1294, SD 2, HD 1, CD 1
S.B. No. 1648, SD 1, HD 2, CD 1
S.B. No. 1899, SD 1, HD 1, CD 1
S.B. No. 2004, SD 1, HD 1, CD 1
S.B. No. 2021, SD 2, HD 2, CD 1
S.B. No. 2036, SD 1, HD 1, CD 1
S.B. No. 2065, SD 2, HD 1, CD 1
S.B. No. 2076, SD 2, HD 2, CD 1
S.B. No. 2090, SD 2, HD 1, CD 1
S.B. No. 2133, SD 2, HD 2, CD 1
S.B. No. 2143, SD 2, HD 1, CD 1
S.B. No. 2145, SD 2, HD 2, CD 1
S.B. No. 2150, SD 1, HD 1, CD 1
S.B. No. 2159, SD 2, HD 1, CD 1
S.B. No. 2162, SD 2, HD 1, CD 1
S.B. No. 2188, SD 1, HD 2, CD 1
S.B. No. 2190, SD 1, HD 2, CD 1
S.B. No. 2193, SD 1, HD 1, CD 1
S.B. No. 2214, SD 2, HD 3, CD 1
S.B. No. 2227, SD 2, HD 2, CD 1
S.B. No. 2237, SD 1, HD 1, CD 1
S.B. No. 2244, SD 1, HD 1, CD 1
S.B. No. 2246, SD 1, HD 2, CD 1
S.B. No. 2248, SD 2, HD 1, CD 1
S.B. No. 2260, SD 1, HD 1, CD 1
S.B. No. 2273, SD 2, HD 1, CD 1
S.B. No. 2274, SD 1, HD 2, CD 1
S.B. No. 2283, SD 1, HD 1, CD 1
S.B. No. 2290, SD 2, HD 1, CD 1
S.B. No. 2292, SD 2, HD 1, CD 1
S.B. No. 2293, SD 2, HD 1, CD 1
S.B. No. 2298, SD 1, HD 1, CD 1
S.B. No. 2323, SD 2, HD 1, CD 1
S.B. No. 2327, SD 2, HD 1, CD 1
S.B. No. 2328, SD 2, HD 2, CD 1
S.B. No. 2334, SD 2, HD 2, CD 1
S.B. No. 2339, SD 2, HD 1, CD 1
S.B. No. 2343, SD 2, HD 2, CD 1
S.B. No. 2348, SD 1, HD 1, CD 1
S.B. No. 2358, SD 2, HD 2, CD 1
S.B. No. 2360, SD 2, HD 1, CD 1
S.B. No. 2430, SD 2, HD 1, CD 1
S.B. No. 2479, HD 1, CD 1
S.B. No. 2480, SD 1, HD 1, CD 1
S.B. No. 2484, SD 1, HD 1, CD 1
S.B. No. 2485, SD 2, HD 2, CD 1
S.B. No. 2486, SD 2, HD 1, CD 1
S.B. No. 2487, HD 1, CD 1
S.B. No. 2501, SD 1, HD 1, CD 1
S.B. No. 2502, SD 2, HD 1, CD 1
S.B. No. 2504, SD 2, HD 2, CD 1
S.B. No. 2505, SD 2, HD 1, CD 1
S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 2570, SD 2, HD 2, CD 1
S.B. No. 2575, SD 2, HD 1, CD 1
S.B. No. 2600, SD 1, HD 2, CD 1
S.B. No. 2630, SD 2, HD 1, CD 1
S.B. No. 2667, SD 2, HD 1, CD 1
S.B. No. 2708, SD 2, HD 1, CD 1
S.B. No. 2719, SD 2, HD 1, CD 1
S.B. No. 2720, SD 2, HD 1, CD 1
S.B. No. 2727, SD 1, HD 2, CD 1
S.B. No. 2753, SD 1, HD 2, CD 1
S.B. No. 2774, SD 2, HD 1, CD 1
S.B. No. 2879, SD 1, HD 1, CD 1
S.B. No. 2887, SD 1, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1
S.B. No. 2898, SD 2, HD 2, CD 1
S.B. No. 2901, HD 1, CD 1
S.B. No. 2909, SD 1, HD 2, CD 1
S.B. No. 2929, HD 1, CD 1
S.B. No. 2941, SD 1, HD 1, CD 1
S.B. No. 2948, SD 1, HD 2, CD 1
S.B. No. 2957, SD 2, HD 2, CD 1
S.B. No. 2958, SD 2, HD 1, CD 1
S.B. No. 2980, SD 2, HD 1, CD 1
S.B. No. 2984, SD 1, HD 1, CD 1
S.B. No. 2997, SD 1, HD 1, CD 1
S.B. No. 3000, SD 2, HD 1, CD 1
S.B. No. 3003, SD 2, HD 2, CD 1
S.B. No. 3009, SD 2, HD 2, CD 1
S.B. No. 3035, SD 1, HD 1, CD 1
S.B. No. 3059, SD 2, HD 1, CD 1
S.B. No. 3065, SD 1, HD 1, CD 1
S.B. No. 3072, SD 1, HD 2, CD 1
S.B. No. 3076, SD 1, HD 1, CD 1
S.B. No. 3077, SD 2, HD 2, CD 1
S.B. No. 3078, SD 2, HD 1, CD 1
S.B. No. 3090, SD 2, HD 1, CD 1
S.B. No. 3101, SD 2, HD 2, CD 1
S.B. No. 3105, SD 2, HD 2, CD 1
S.B. No. 3111, SD 1, HD 1, CD 1
S.B. No. 3119, SD 2, HD 1, CD 1
S.B. No. 3120, SD 2, HD 1, CD 1
S.B. No. 3180, SD 1, HD 2, CD 1
S.B. No. 3181, SD 2, HD 2, CD 1
S.B. No. 3185, SD 2, HD 2, CD 1
S.B. No. 3192, SD 1, HD 2, CD 1
S.B. No. 3195, SD 2, HD 2, CD 1
S.B. No. 3197, SD 2, HD 1, CD 1
S.B. No. 3215, SD 1, HD 2, CD 1
S.B. No. 3247, SD 2, HD 2, CD 1
S.B. No. 3252, SD 2, HD 1, CD 1
S.B. No. 3253, SD 1, HD 1, CD 1
S.B. No. 3254, SD 2, HD 2, CD 1
S.B. No. 3262, SD 1, HD 1, CD 1
S.B. No. 3270, SD 2, HD 1, CD 1
S.B. No. 3273, SD 2, HD 2, CD 1

House Communication dated May 2, 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. 2313, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2278, HD 1, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2315, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2319, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2423, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2535, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2641, HD 1, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2713, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2964, HD 1, SD 2, and has this day, agreed to said

Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 2987, HD 1, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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, to House Bill No. 3100, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 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 agreed to the amendments made by the Senate and has this day adopted House Concurrent Resolution 145, HD 1, SD 1.

House Communication dated May 2, 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 agreed to the amendments made by the Senate and has this day adopted House Concurrent Resolution 164, SD 1.

LEGISLATIVE COMMUNICATIONS

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

Legislative Communication No. 1
from President Robert Bunda and Speaker Calvin K.Y. Say
dated April 29, 2006 12:03 a.m.
regarding the Extension of Conference Committee Deadlines

TO: All Members of the State Legislature

We hereby amend the Joint 2006 Legislative Calendar as follows:

The Final Decking deadline of April 28, 2006 12:00 midnight previously agreed upon notwithstanding, committees on conference shall be allowed to continue deliberations, and prepare and sign agreed upon conference committee reports between 12:03 a.m. and 12:30 a.m. on April 29, 2006. Agreed upon and signed conference committee reports shall be submitted to the Clerks of the respective Chambers by 12:30 a.m.

Said measures submitted to the Clerks of the respective Chambers by 12:30 a.m. shall be officially filed on Tuesday, May 02, 2006 at 8:00 a.m.

All other deadlines previously agreed upon on the 2006 Joint Legislative Calendar shall remain in effect.

/s/Robert Bunda
Robert Bunda
Senate President
12:03 a.m.
April 29, 2006

/s/Calvin K.Y. Say
Calvin K.Y. Say
House Speaker
12:03 a.m.
April 29, 2006"

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

Legislative Communication No. 2
from President Robert Bunda and Speaker Calvin K.Y. Say
dated April 29, 2006 12:35 a.m.
regarding the Extension of Conference Committee Deadlines

TO: All Members of the State Legislature

The Final decking deadline of April 28, 2006 12:00 midnight as revised by Legislative Communication No. 2 [April 29, 2006 12:03 a.m.] is further amended as follows:

Committees on conference shall be allowed to continue deliberations, and prepare and sign agreed upon conference committee reports between 12:35 a.m. and 1:00 a.m. on April 29, 2006. Agreed upon and signed conference committee reports shall be submitted to the Clerks of the respective Chambers by 1:00 a.m.

Said measures submitted to the Clerks of the respective Chambers by 1:00 a.m. shall be officially filed on Tuesday, May 02, 2006 at 8:00 a.m.

All other deadlines previously agreed upon on the 2006 Joint Legislative Calendar shall remain in effect.

/s/Robert Bunda
Robert Bunda
Senate President
12:35 a.m.
April 29, 2006

/s/Calvin K.Y. Say
Calvin K.Y. Say
House Speaker
12:35 a.m.
April 29, 2006"